canner, or packer is on each label; to the Committee on Agriculture.

By Mr. HENRY of Texas: Petition against parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the eleventh congressional district of Texas, against rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL of New Jersey: Petition of residents of Long Branch, N. J., for increasing efficiency of the Life-Saving Service by retirement of members; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: Petition of George Beard and others, of Coalville, and Charles W. Goodliffe, of Park Valley, Utah, against the establishment of a local rural parcels-post service on the rural delivery routes; to the Committee on the Post Office and Post Roads.

By Mr. HUFF: Petition of Pride of the Valley Council, No. 105, Junior Order United American Mechanics, of Arnold, and Branch No. 113, Glass Bottle Blowers' Association, of Jeannette, in the State of Pennsylvania, against unrestricted admission of immigrants; to the Committee on Immigration and Naturalization.

Also, petition favoring investigation of causes of tuberculosis, typhoid fever, and other diseases originating in dairy products; to the Committee on Agriculture.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of citizens of Paducah, Ky., against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. JOYCE: Paper to accompany bill for relief of John W. Benson; to the Committee on Military Affairs.

By Mr. KENNEDY of Ohio: Petition of citizens of the eighteenth Ohio congressional district, against a local rural parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Trades and Labor Council of East Liverpool, Ohio, for repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of William McKinley Lodge, No. 318, Junior Order United American Mechanics, for more stringent laws relative to immigrants; to the Committee on Immigration and Naturalization.

By Mr. KOPP: Petition of citizens of the third Wisconsin congressional district, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LINDBERGH: Resolutions adopted by the Minnesota National Guard Association, indorsing measures relating to compensation of officers and enlisted men of the Organized Militia; to the Committee on Militia.

Also, petition from Cold Spring Brewing Co., Cold Spring, Minn., asking for removal of duty on barley; to the Committee on Ways and Means.

Also, petition of citizens of Eagle Bend and Foley, Minn., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LATTA: Petition of many citizens and business men of Allen, Bloomfield, Elgin, Bancroft, and Walthill, in the State of Nebraska, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Petition of International Brotherhood of Blacksmiths and Helpers, Energy Union, No. 122, for repeal of the 10 cent per pound tax on oleomargarine; to the Committee on Agriculture.

By Mr. McLAUGHLIN of Michigan: Paper to accompany bill for relief of John Waalkes (previously referred to the Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. MAGUIRE of Nebraska: Petition of business men of Palmyra and Louisville, Nebr., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Melinda Peck; to the Committee on Invalid Pensions.

By Mr. MOORE of Texas: Petition of business firms of Jewett and Houston, Tex., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. O'CONNELL: Petition of Massachusetts Branch American Federation of Labor, for amending the oleomargarine law; to the Committee on Agriculture.

By Mr. PADGETT: Paper to accompany bill for relief of Fountain P. Kephart; to the Committee on Invalid Pensions.

Also, petition of citizens of the seventh Tennessee congressional district, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. A. MITCHELL PALMER: Petition of B. R. Stys, brewer, of Easton, Pa., for reduction of duty on malt, etc.; to the Committee on Ways and Means.

By Mr. PLUMLEY: Paper to accompany bill for relief of Carl H. Ellis; to the Committee on Invalid Pensions.

By Mr. PUJO: Petition of Live Oak Camp, No. 462, for the Dodds bill, No. 22239; to the Committee on the Post Office and Post Roads.

By Mr. SHEPPARD: Paper to accompany bill for relief of Caleb A. Worley; to the Committee on Invalid Pensions.

By Mr. SHARP: Petition of citizens of Bellevue, Ohio, against a rural parcels-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of the Walla Walla Trades and Labor Council, relating to the disposition of the cavalry post at Fort Walla Walla, in Washington; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: Petition of Yakeley Bros., of Lansing, Mich., and the Commercial Savings Bank, of Fenton, Mich., against rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. TOWNSEND: Petition of citizens of Chelsea, Mich., for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of Cigar Makers' Union, Battle Creek, Mich., for repeal of tax on oleomargarine; to the Committee on Agriculture.

SENATE.

TUESDAY, *January 24, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. CLAPP. While I recognize that it is somewhat unusual, yet at the request of several Senators I am going to ask that House bill 28406, being the Indian appropriation bill, be now laid before the Senate for consideration.

Mr. DILLINGHAM. Before morning business is concluded?

Mr. CLAPP. I make that suggestion.

The VICE PRESIDENT. The Senator from Minnesota requests unanimous consent that House bill 28406 be now taken up by the Senate for consideration. Is there objection?

Mr. OVERMAN. I ask the Senator from Minnesota to yield to me for a moment to present some morning business.

Mr. SMOOT. Why not have morning business called first?

Mr. CLAPP. I yield for morning business. I made the suggestion at the request of Senators. I know that it is an unusual course to pursue. If Senators desire to proceed with morning business I withdraw the request.

The VICE PRESIDENT. The Senator from Minnesota withdraws his request.

TRADE IN ARGENTINA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent James D. Whelpley on trade development in Argentina (S. Doc. No. 781), which was ordered to be printed and, with the accompanying report, referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Legislature of the State of Nevada, which was referred to the Committee on Industrial Expositions, and ordered to be printed in the RECORD, as follows:

NEVADA STATE LEGISLATURE,
Carson City, Nev., January 23, 1911.

To PRESIDENT OF THE SENATE,
Washington, D. C.:

We have the honor to transmit by telegraph the following memorial and joint resolution which this day passed the Legislature of the State of Nevada:

Senate memorial and joint resolution relative to the proposed Panama Canal exposition.

Whereas the State of California is asking the Congress of the United States to give its sanction to the holding at the city of San Francisco of an exposition fittingly to celebrate the completion of the Panama Canal in which the nations of the world are to be invited to participate; and

Whereas the city of San Francisco is the metropolis and is situated on the best harbor of the Pacific coast of the United States, and its people, after having met with the greatest catastrophe that has befallen any great city in modern times, have in the short space of four years rebuilt the city on nobler proportions than before, so that to-day it is in physical construction the most modern city in the world, an accomplishment of scarcely less magnitude than that of the building of the Panama Canal itself; and

Whereas the building of the Panama Canal and the rebuilding of the city of San Francisco being the two greatest constructive achievements of the American people in recent years, it is most fitting that the celebration of the completion of the former be held at the place of the accomplishment of the latter: Therefore

Resolved by the senate and assembly concurring, That the people of the State of Nevada, by and through their representatives in the State legislature, do hereby heartily join with the people of the West generally in memoralizing Congress to grant the prayer of the people of the State of California; and

Resolved, That certified copies of this resolution be telegraphed to the Senate and House of Representatives in Congress, and that the governor be requested to transmit by the same means a copy to the President of the United States.

GILBERT C. ROSS, *President of the Senate.*
A. C. FROLICH, *Speaker of the Assembly.*

The VICE PRESIDENT presented a memorial of the House of Delegates of Porto Rico, remonstrating against the enactment of legislation proposing to interfere with the elective privileges of the people of that island, which was ordered to lie on the table.

He also presented a memorial of the House of Delegates of Porto Rico, remonstrating against the enactment of legislation proposing to increase the acreage limit for agricultural corporations in Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. SMOOT. I present a memorial from the Legislature of the State of Utah, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the memorial was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

To the honorable the Senate and House of Representatives of the United States of America:

Your memorialist, the Ninth Session of the Legislature of the State of Utah, hereby submits for your consideration the following memorial:

Whereas the frontiersmen and early settlers of the Rocky Mountain region made possible by their fearless courage and heroic self-sacrifice the present splendid growth and prosperity of the western part of our Nation and have thereby directly contributed to the greatness of our country and have performed a national service of inestimable value; and

Whereas the settlement of the West was accompanied by and its resulting blessings were secured only after bitter and sanguinary conflict with savage foes; and

Whereas the services rendered by the citizen soldiers in Indian warfare between the years 1854 and 1874 have never been properly recognized or compensated and the day will soon be past in which it will be possible to express the gratitude of the Nation to the lingering remnant of those who performed heroic service in defense of the first efforts of the white man to establish civilization in the mountains and on the plains of the far West: Therefore

The ninth session of the Legislature of the State of Utah respectfully requests that Congress enact such legislation as will give to those who performed service in Indian war a pensionable status under the laws of the United States, and also that all just claims for compensation for services and supplies be recognized and paid.

That a copy of this memorial be furnished Senators SMOOT and SUTHERLAND and Congressman HOWELL for presentation to the United States Senate and House of Representatives.

HENRY GARDNER, *President of the Senate.*
E. W. ROBINSON, *Speaker of the House.*

Attest:
C. S. TINGEY, *Secretary of State.*

Approved, January 18, 1911.

WILLIAM SPRY, *Governor.*

Mr. SMOOT. I present a telegram communicating a resolution adopted by the City Council of Salt Lake City, Utah, which I ask may be printed in the RECORD and referred to the Committee on Industrial Expositions.

There being no objection, the telegram was referred to the Committee on Industrial Expositions and ordered to be printed in the RECORD, as follows:

SALT LAKE CITY, UTAH, *January 23, 1911.*

Hon. R. SMOOT,
United States Senator, Washington, D. C.:

By authority of the honorable City Council of Salt Lake City, Utah, I transmit the following resolution:

Whereas the year 1915 will witness, in the completion of the Panama Canal, one of the world's greatest achievements, whereby the waters of the two great oceans will be united; and

Whereas in celebration and commemoration of that great accomplishment a world's exposition will be held; and

Whereas we believe the city of San Francisco, whose pluck and progressiveness have never been excelled and whose situation upon the Pacific coast makes that city the most natural and proper place for the holding of the proposed exposition: Now, therefore, be it

Resolved by this council in behalf of Salt Lake City, That we hereby heartily indorse San Francisco as the most fitting and advantageous place for the holding of the proposed exposition, and we respectfully and earnestly urge that San Francisco be selected as the place for the holding of the Pacific-Panama Exposition of 1915; and be it further

Resolved, That a copy of these resolutions be forthwith transmitted, by the city recorder of Salt Lake City, by wire to President Taft and the Senators SMOOT and SUTHERLAND and Representative HOWELL.

Yours, faithfully,

B. S. RIVES, *City Recorder.*

Mr. CRAWFORD. I desire to have read and referred to the Committee on Post Offices and Post Roads a telegram I have received, signed by the governor of South Dakota and all the State officers, asking for an investigation into the condition of the postal service of railway mail district No. 10. It is quite a serious matter. The public service is involved, and the right of the railway mail clerks is involved. I ask that the telegram be read and referred to that committee, and I request the committee to look into the matter.

The VICE PRESIDENT. Without objection, the telegram will be read by the Secretary.

The telegram was read and referred to the Committee on Post Offices and Post Roads, as follows:

PIERRE, S. DAK., *January 23, 1911.*

Hon. COE I. CRAWFORD,
United States Senate, Washington, D. C.:

We request that, for the good of the public and postal service and for the proper adjustment of the present difficulty, an investigation be had of the condition and postal service of railway postal district No. 10.

R. S. VESSEY, *Governor.*
ROYAL C. JOHNSON, *Attorney General.*
F. F. BRINKER, *Commissioner School and Public Lands.*
J. T. NELSON, *Deputy Secretary of State.*
C. J. MURPHY, *Deputy Auditor.*
G. H. PINCKNEY, *Deputy Treasurer.*
FRANK CRANE, *Clerk Supreme Court.*
O. S. BASIFORD, *Commissioner Insurance.*
DOANE ROBINSON, *State Historian.*
PETER NORBECK, *State Senator.*
GEORGE WRIGHT, *State Senator.*

Mr. PERKINS. I present a joint resolution of the Legislature of the State of California, which I ask may be printed in the RECORD and referred to the Committee on Industrial Expositions.

There being no objection, the joint resolution was referred to the Committee on Industrial Expositions and ordered to be printed in the RECORD, as follows:

SACRAMENTO, CAL., *January 23, 1911.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

We are hereby directed to transmit the following joint resolution, No. 7, passed unanimously by both houses this 23d day of January, 1911, and request you hand a copy of same to Hon. FRANK P. FLINT—Senate joint resolution No. 7, introduced by Senator Burnet:

Whereas an international exposition is to be held in the city of San Francisco during the year 1915 for the purpose of celebrating the completion of the Panama Canal; and

Whereas there has been pledged by the State of California, the city of San Francisco, and by citizens of this State and residents of that city the sum of seventeen and one-half millions of dollars, to be expended in furthering the success of such exposition and proper celebration of the completion of the greatest governmental work in the history of the world, and a suitable site being available for the said exposition; and

Whereas the State of California deems itself possessed of ample funds, now available, together with almost inexhaustible resources to replenish the same or add thereto, if necessary, without the necessity of Federal aid of any kind or character; and

Whereas it further appears that California's representatives have assured the Congress of the United States that Federal aid or assistance would never be sought or requested: Be it therefore

Resolved by the senate and assembly of the State of California, That we, the representatives of the people of the State of California, do hereby respectfully request the Congress of the United States to cause an invitation to be extended to the people of the world to participate in said exposition; and we do hereby agree that in the event that Congress shall cause such invitation to be extended the Government of the United States will never be asked to assume any liability on account of said exposition or to appropriate any sum of money whatsoever in aid of the same; and to these ends we do hereby pledge the good faith and credit of the State of California.

It is directed that a copy of the foregoing preamble and resolution be forthwith transmitted by wire to our Senators and Representatives, with the request that the same be immediately brought to the attention of Congress.

Hon. A. J. WALLACE, *President of Senate.*
WALTER N. PARRISH, *Secretary of Senate.*
Hon. A. H. HEWITT, *Speaker of Assembly.*
L. B. MALLORY, *Chief Clerk.*

Mr. SHIVELY presented memorials of the farmers' institute of Flat Rock, of the Retail Merchants' Association of La Fayette, and of sundry citizens of Cutler, all in the State of Indiana, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Printers' Club of Fort Wayne, Ind., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of J. H. Danseur Post, No. 104, Department of Indiana, Grand Army of the Republic, of Lagrange, Ind., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Clio Literary Club, of Warsaw, Ind., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Switzerland and Jefferson Counties, in the State of Indiana, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which were referred to the Committee on Interstate Commerce.

Mr. PAGE. I present a joint resolution passed by the Legislature of the State of Vermont, which I ask may be read and referred to the Committee on Agriculture and Forestry.

There being no objection, the joint resolution was read and referred to the Committee on Agriculture and Forestry, as follows:

Joint resolution relating to the reduction of the tax on oleomargarine colored in imitation of butter.

Whereas there is now pending in the House of Representatives at Washington a bill to remove the tax of 10 cents a pound on oleomargarine colored in imitation of butter, thereby nullifying the beneficial features of the so-called Grout law; and

Whereas Vermont's leading industry is dairying, an industry that is adding over a billion dollars a year to the wealth of the Nation: Therefore be it

Resolved by the senate and house of representatives, That we disapprove of any attempt to change the existing laws for protecting the dairy interests of the country; and we hereby request our entire delegation in Congress to oppose changes that will reduce the tax on oleomargarine colored in imitation of butter.

FRANK E. HOWE,
Speaker of the House of Representatives.
LEIGHTON P. SLACK,
President of the Senate.

Approved, October 20, 1910.

JOHN A. MEAD, *Governor.*

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STATE OF VERMONT,
OFFICE OF THE SECRETARY OF STATE.

I hereby certify that the foregoing is a true copy of a joint resolution entitled "Joint resolution relating to the reduction of the tax on oleomargarine colored in imitation of butter," approved October 20, 1910, as appears by the files and records of this office.

Witness my signature and the seal of this office, at Montpelier, this 19th day of January, 1911.

[SEAL.] GUY W. BAILEY, *Secretary of State.*

Mr. PAGE. I present a joint resolution passed by the Legislature of the State of Vermont, which I ask may be read and referred to the Committee on Post Offices and Post Roads.

There being no objection, the joint resolution was read and referred to the Committee on Post Offices and Post Roads, as follows:

Joint resolution relating to parcels post.

Resolved by the senate and house of representatives, That our United States Senators and Representatives to Congress be respectfully requested to use their influence in favor of the passage by Congress of a parcels-post measure.

LEIGHTON P. SLACK,
President of the Senate.
FRANK E. HOWE,
Speaker of the House of Representatives.

Approved, November 3, 1910.

JOHN A. MEAD, *Governor.*

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STATE OF VERMONT,
OFFICE OF THE SECRETARY OF STATE.

I hereby certify that the foregoing is a true copy of a joint resolution, entitled "Joint resolution relating to parcel post," approved November 3, 1910, as appears by the files and records of this office.

Witness my signature and the seal of this office, at Montpelier, this 19th day of January, 1911.

[SEAL.] GUY W. BAILEY, *Secretary of State.*

Mr. PILES presented a memorial of sundry citizens of Everett, Wash., remonstrating against the establishment of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

Mr. GUGGENHEIM presented a petition of sundry employees of the Union Pacific Railroad Co. in the State of Colorado, praying for the enactment of legislation authorizing the railroads to charge higher rates for transportation, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. WARREN. From the Committee on Appropriations I report back, with amendments, the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, and I submit a report (No. 1003) thereon. I give notice that I shall call up the bill to-morrow for consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. WARREN, from the Committee on Appropriations, to which was referred the amendment submitted by Mr. ROOT, on the 23d instant, proposing to appropriate $10,000 to enable the Supreme Court to revise the equity, admiralty, and bankruptcy rules, etc., intended to be proposed to the legislative, etc., appropriation bill, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

Mr. WARNER, from the Committee on the Judiciary, to which was referred the bill (S. 10185) to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes, reported it without amendment and submitted a report (No. 1002) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HEYBURN:

A bill (S. 10411) granting an increase of pension to Sartin McComas (with accompanying paper); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 10412) granting a pension to Charles Falbisaner (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 10413) for the further regulation of the immigration of aliens into the United States; to the Committee on Immigration.

By Mr. BANKHEAD:

A bill (S. 10414) granting an increase of pension to Ernest Newbauer; and

A bill (S. 10415) granting an increase of pension to William Pritchard (with accompanying paper); to the Committee on Pensions.

By Mr. WARNER:

A bill (S. 10416) for the relief of John W. Porter (with accompanying papers); to the Committee on Military Affairs.

By Mr. PERKINS:

A bill (S. 10417) to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; to the Committee on Commerce.

By Mr. TALIAFERRO:

A bill (S. 10418) granting permission for the use of a part of Fort Marion Reservation, Fla., for a street; to the Committee on Military Affairs.

By Mr. BROWN:

A bill (S. 10419) granting an increase of pension to James Jenkins (with accompanying paper); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 10420) granting an increase of pension to Timothy Egan (with accompanying papers); to the Committee on Pensions.

By Mr. CARTER (by request):

A bill (S. 10421) to authorize the purchase or condemnation of certain land in the District of Columbia for a public park; to the Committee on the District of Columbia.

By Mr. FOSTER:

A bill (S. 10422) to provide for celebrating the completion and opening of the Panama Canal by the United States by holding an international exposition of arts, industries, manufactures, and the products of the soil, mines, forest, and sea in the city of New Orleans, State of Louisiana; to the Committee on Industrial Expositions.

Mr. WETMORE (for Mr. ALDRICH):

A bill (S. 10423) granting an increase of pension to Mary A. Gonsolve (with accompanying paper); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 10424) granting to the State of North Dakota 50,000 acres of land to aid in the maintenance of a normal school at Minot, N. Dak.; to the Committee on Public Lands.

A bill (S. 10425) granting an increase of pension to William Bossingham;

A bill (S. 10426) granting an increase of pension to Uriah Reuner;

A bill (S. 10427) granting an increase of pension to James M. Fortner;

A bill (S. 10428) granting an increase of pension to Gordon H. Shepard;

A bill (S. 10429) granting an increase of pension to John Egan; and

A bill (S. 10430) granting an increase of pension to Mahala Fausey; to the Committee on Pensions.

A joint resolution (S. J. Res. 136) to print Special Report on the Diseases of the Horse; to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McCUMBER submitted an amendment proposing to appropriate $150,000 for improving the Missouri River between Le Beau, S. Dak., and Fort Benton, Mont., $50,000 of which shall be expended at Bismarck, N. Dak., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. NIXON submitted an amendment proposing to appropriate $4,000 for the salary of the United States attorney for the district of Nevada, etc., intended to be proposed by him to

the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ROOT submitted an amendment relative to vacancies in the position of chief of any staff corps or department of the Army, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. STONE submitted an amendment proposing to authorize J. W. Vance and other citizens of Missouri to construct, maintain, and operate a dam in the Big Bend of the James River, Mo., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

PAPER ON IMMIGRATION.

Mr. OVERMAN. I ask for the adoption of an order to print a paper by Samuel Gompers on the subject of immigration. I move that my request, together with the document, be referred to the Committee on Printing for action.

The motion was agreed to.

REPORT OF IMMIGRATION COMMISSION.

Mr. DILLINGHAM. I ask unanimous consent that a paper which I send to the desk be printed as a Senate document (S. Doc. No. 783) and that 2,000 additional copies be printed for the use of the Committee on Immigration. I will state that it is a brief statement of the conclusions and recommendations of the Immigration Commission, with the views of the minority. The demand for this paper has been so great that we have been unable to supply it. Applications are coming from all parts of the country.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

ELECTION OF UNITED STATES SENATORS.

Mr. GALLINGER. I ask that a paper entitled "Election of United States Senators," by Albert A. Doub, Esq., read at the fourteenth annual meeting of the Maryland State Bar Association, held at Old Point Comfort, Va., in July, 1909, be printed as a Senate document (S. Doc. No. 782).

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. SHIVELY. I wish to announce that on Thursday, after the morning hour, I will submit some remarks on the unfinished business before the Senate.

ELECTION OF SENATORS BY DIRECT VOTE.

The VICE PRESIDENT. The morning business is closed.

Mr. CUMMINS. I gave notice some days ago that at this time I would address the Senate on the subject of the joint resolution proposing to amend the rules.

I understand, however, that the senior Senator from New York, who is to address the Senate to-day upon the joint resolution proposing an amendment to the Constitution, must leave the city during the day and that it will serve his convenience for him to submit his observations now. I very gladly yield to the Senator from New York.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate Senate joint resolution 134, which the Secretary will read by title.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. DEPEW. Mr. President, I appreciate the courtesy of the Senator from Iowa and extend to him my thanks.

Mr. President, the subject under discussion is a joint resolution entitled "Joint resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States."

Who are the people of the several States? The Constitution leaves us in no doubt on this question. It begins with the immortal declaration:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The fourteenth article of the Constitution defines the people by declaring that—

all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the States wherein they reside.

The fifteenth amendment declares that—

the rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The proposed amendment to the Constitution, as reported from the Judiciary Committee and now before the Senate, seems to me to be an effort under the guise of popularizing the election of United States Senators to permit under the Constitution the States to disfranchise large classes of their electors. Instead of providing that Senators shall be elected by the people of the several States, it virtually denies the people the right to elect Senators by impairing the fourteenth and fifteenth amendments to the Constitution, which were intended to secure the elective franchise to all citizens of the United States. If this be true, then we are paying a tremendous price to secure a change in the present methods of electing United States Senators. The Constitution makes the following provision for the election of Members of Congress:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The proposed measure, as reported by the committee and now before the Senate, repeals that portion of the Constitution as to the election of Senators.

When the Democratic friends of the proposed amendment are asked why they want this provision of our Constitution, which has existed for 122 years, repealed, their answer is that under it the right has been claimed for Congress to interfere with the elective franchise in the several States. In other words, under it Congress has endeavored to so legislate, though that legislation has never been passed, as to permit the Negro to vote in the Southern States, and that under it may be found, when the question comes before the Supreme Court of the United States, authority to declare the laws, which in one form or another disfranchises the Negro vote in some of the States, unconstitutional. But the proposed amendment, which declares—

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures—

under the guise of giving power directly to the people, permits by the authority of the Constitution unlimited restrictions upon the people's right to vote.

In several States Negroes and some others are not allowed to vote for members of the most numerous branch of the legislature. With this amendment there is no limit to which they can carry this exclusion.

Now, then, read the language of the proposed amendment, namely:

The electors of each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures—

and then repeal section 4 of Article I of the Constitution, which reads as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators—

and all power over the election of Senators passes from Congress and is remitted absolutely to the States. No matter what restrictions the State may place upon suffrage, no matter what denials of the right of suffrage may result from the action of the States, the Senate is powerless.

During the eloquent and exhaustive speech of the Senator from Maryland [Mr. RAYNER] a colloquy occurred between the Senator and the Senators from Utah [Mr. SUTHERLAND] and Nebraska [Mr. BROWN]. The Senator from Maryland then strongly intimated that unless in connection with the proposition to change the mode of electing United States Senators from the legislature to a popular vote there was coupled a repeal of section 4 of Article I of the Constitution the Southern States would reject the whole proposition. As a further illuminating illustration, southern newspapers which are sent me denounce the proposition of the Senator from Utah as an effort to kill the resolution for the popular election of Senators by loading the proposition down with unnecessary amendments. They do not state what this alleged unnecessary amendment is. They do not inform their readers that the amendment of the Senator from Utah is simply to take out of the pending resolution for popular elections the part which repeals section 4 of Article I of the Constitution. They simply denounce the proposition of the Senator from Utah as an obstruction intended to prevent the change in the method of electing United States Senators from the legislature to the people. But the whole trend of their comment is that unless the repeal of this section of the Constitution which has existed for 122 years is coupled with the resolution for a popular vote the Southern States do not care and will not have the proposed amendment engrafted into the Constitution. In other words, we are informed that the underlying purpose of this movement is to take away from Congress all power over disfranchisement by State laws and remit to the States unlimited authority to limit the suffrage.

There are 300,000 colored voters in the State of New York. I can conceive of nothing which would affect them so deeply and arouse them so thoroughly as a permanent constitutional disfranchisement of their brethren by the votes of Republican Senators. I am sure before the debate has ended, if this resolution is adopted, the colored voters of Illinois, Indiana, Kansas, New Jersey, New York, Ohio, and Pennsylvania will protest in so effective a way at the polls as to be felt all over the country.

This resolution virtually repeals the fourteenth and fifteenth amendments to the Constitution. It validates by constitutional amendment laws under which citizens of the United States, constituting in the aggregate more than one-tenth of the electorate, are to be permanently deprived of the right of suffrage. There is no pretense that any conditions may arise in the future under which these laws will be liberalized and the growing intelligence of the Negro electors will be recognized. These laws have their origin in a fear of the Negro vote in those States where it is equal to the white vote or larger than the white vote. But they are urged or passed for purely political purposes in States where there is no possible fear of the dominance of the Negro vote. Maryland, with a small proportionate Negro vote, has tried several times within the last few years to disfranchise the colored people within that State, and the avowed purpose of the Democratic party in the State of Maryland, which is not denied, is to continue this effort until they have succeeded in disfranchising this vote. The Democratic leaders of the State of Oklahoma became alarmed at the enormous immigration coming in there from the Middle West, from the great States of Ohio, Illinois, Indiana, and Iowa. They have passed laws intended to prevent the Negro from voting so as to postpone as far as possible the inevitable Republicanization of the State of Oklahoma which will result from this immigration. It is a curious commentary upon our forgetfulness of the results of the war for the Union that we have grown indifferent to such an extent to these provisions which were made the permanent results of that struggle by being engrafted into the Constitution. It becomes a subject of earnest study and of serious reflection whether if it were a mistake to adopt the fourteenth and fifteenth amendments at the close of the Civil War it is not a greater mistake 45 years afterwards, when intelligence and education have made such progress among these people to so impair as to virtually repeal those articles.

The title of this proposition is to allow the people to vote. The purpose and object of the resolution is to permanently prevent the people from voting in any State where a dominant power or oligarchy wishes to disfranchise a certain portion of the citizens of that State. Now, I have sympathized with the conditions of the people of the Southern States since the Civil War. I have persistently and consistently opposed all the drastic measures which have been presented to interfere with their affairs. I was not in favor of the force bill. I was not in favor of the bill which passed the House of Representatives to enforce the provisions of the fourteenth amendment for the reduction of membership in the House of Representatives in proportion to the reduction of the Negro vote in several States. But when it comes to deliberately voting to undo the results of the Civil War, when it comes by constitutional amendment to permanently taking from 10,000,000 people the rewards of education and intelligence, that reward being in a free government *the right* to vote, I can not assent to or be silent upon the proposition.

Six years ago this same question came up in the Committee on Privileges and Elections, of which I was a member, and I then proposed this same amendment to the resolution which I have offered here and which reads as follows:

Senate joint resolution 134.

Amendment intended to be proposed by Mr. DEPEW to the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States, viz: On page 2, lines 5, 6, 7, and 8, strike out the words "The electors of each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures," and in lieu thereof insert the following:

"The qualifications of male citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result."

This amendment simply says that if the people are to vote for the election of United States Senators, then all the people recognized as citizens under the Constitution of the United States shall be permitted to vote. At that time this proposition of mine was incorporated into the general resolution, and had the unanimous vote of every Republican member of the committee, even of those who were in favor of changing the method of electing United States Senators from the legislature to the people. When it was adopted the resolution was defeated by the unanimous vote of the Democratic members of the committee. But when I offered it in our Committee on the Judiciary it commanded only one vote beside my own.

I desire to call attention to this phase of the subject and to challenge discussion. I wonder if there has been upon this proposition contained in the fourteenth and fifteenth amendments to the Constitution such a change in public sentiment as would be indicated by a unanimous vote six years ago and by an overwhelming majority the other way to-day.

The Constitution of the United States went into operation on the first Wednesday in March, 1789, and on the 1st day of March, 1911, it will have been in force for 122 years. The language of eulogy has been exhausted in its praise. The greatest intellects among the statesmen of other countries have given it commendation beyond any other instrument which ever came from the hands of man. The United States has grown from a fringe of settlements along the Atlantic coast to its present imperial position among the nations of the world in liberty, opportunity, population, and power under this Constitution practically unchanged. With these 122 years of achievement to its credit only an imperious necessity can justify any change. That imperious necessity should have behind it the practically unanimous and determined voice of the American people.

Every Senator knows that the votes which have been cast in the several States for this measure have been so given in obedience to supposed party expediency and without general discussion. This movement has received more impetus from the advocacy of Mr. Bryan than from any other cause during the half century since the war. And yet, when Mr. Bryan, with the responsibilities of office upon him as a Member of Congress, proposed his idea of an amendment to the Constitution for this purpose in 1894, he left it for each State to decide whether it would elect United States Senators by the old method or the new. All the States which framed the Constitution and all those that can reckon a quarter of a century to their lives, in selecting men who have shed the greatest honor upon their respective Commonwealths, have invariably named them from the membership of the United States Senate. No method of electing Senators could add to that glorious list. It has been said that governors of States furnish an example to the contrary, but it is the history of governors that they are in for a short time. They rarely succeed themselves, and if they do, only once. I do not know that there is on record a single instance of a governor who has been 10 years in the service of his State. Every Senator knows that the value of a Member of this body, if he is fit to be a Member of it, increases with the years. Every Senator also knows that in popular elections, taking the governor as an example, covering the whole State, the second term would be the limit of the senatorial life of anyone, no matter how distinguished. Our Websters, our Clays, our Calhouns, with all their genius for public life and popular leadership, owed their influence upon the policies of parties and the legislation of the Republic to long experience in the Senate. The results of the primary laws have demonstrated that the United States Senator who comes here under the new system would in a vast majority of cases be the choice of a plurality, and therefore a minority candidate. In States where one party is sufficiently in the ascendant to make an election certain, candidates would be as numerous as the ambitions of the citizens, and the successful one on the plurality might represent only a tenth of the electorate. The favorite of the great cities would always prevent the success of a candidate from the country. In many States, where party discipline and organization have been submerged by the primary, races or religions combine and by their united force, as against the scattered results of the general electorate, secure the necessary plurality for one of their race or religion. There is not the slightest pretense that during the long life of our Government a Senator has ever been placed in this body because of race or religion. I do not share in this distrust of the legislatures. Our several Commonwealths have wisely legislated for the interest of the family, of property, of liberty. I do not assent to the proposition that representative government has the distrust of the people.

The Athenian Assembly was the ideal of popular government. I stood once upon the rocky platform from which Demosthenes addressed the voters of Athens. There were 300,000 slaves and 10,000 citizens. Those 10,000 easily gathered upon the plain in front of the orator. He won from his audience the approval of the measures which he proposed against his antagonists because of his eloquence and his ability to fire the popular imagination, stir the popular enthusiasm, and, through them, influence for the moment popular judgment. By holding up the

raw head and bloody bones of Philip of Macedon he swept away all opposition, while Philip of Macedon had no purpose such as Demosthenes charged. We all know the appeals which can move a popular audience. A war speech and the bloody shirt had their influence for 25 years after Appomattox. When the new generation of voters came upon the stage these appeals meant nothing to them, and the campaign orators had to write new speeches upon new issues or else retire from the platform, as many of them did, because they could not comprehend the new issues. For 25 years more the operation of the railroads was an effective rallying cry. But legislation has been perfected for the control of the railroads by providing penalties for abuse and conferring such absolute power upon the Interstate Commerce Commission and the Commerce Court that the Government is the paramount member of the directorate of every railroad in the United States, and that has ceased to be the rallying cry. Next, it was the corporations. Again, legislation has largely cured corporate evils. The Sherman anti-trust law, strengthened by the decisions of the courts, and the corporation-tax law, exposing every secret of every corporation to the Government and through the Government to the people, furnishes power on the one hand to the Government and that publicity on the other which makes corporate iniquities exceedingly difficult and punishment swift and sure.

Now a Chautauqua audience can be raised to frenzied heights of rage by picturing to them that they are the slaves of the interests. The interests are vague, but the more shadowy, like the ghost, the more terrible. Of course the Athenian example is impossible with 100,000,000 of people, but the whole theory of democratic government in its evolution in Europe and in America is to escape on the one side from the arbitrary power of the autocrat, backed up by control of the army, the navy, the treasury, and taxes, and, on the other hand, to devise processes by which the passions of the hour shall not crystallize into legislation without plenty of time for deliberation and calm judgment. In a sense, every form of representative government may be called distrust of the people. Wherever a measure must take its chances first with the lower House and then with the upper House, and then again in running the gauntlet must escape the club of the veto of the Executive, every step is distrust of popular government. But it is a false idea to say that such distrust means lack of confidence in the people or means defying the popular will. It is simply that where the great mass of the population are engaged in industrial pursuits, which absorb their minds and time, they must necessarily select from among their own number those whom they think best fitted for the tasks upon whom they devolve. as President or as Senator or as Representative or as governor or as member of the legislature, the perfection of measures and the enactment of laws which are for the best interests of the people.

I have received many letters since I introduced my amendment indicating the trend of popular thought, and many editorials not proper to be read in the Senate. Some of them go to an extreme which ought to please that eloquent advocate of popular government, the distinguished Senator from Oregon [Mr. BOURNE], and his recently organized salvation army. [Laughter.] They say, "Abolish the Senate. It is no further of any use. It was all very well when there were no railroads, no telegraphs, and no telephones, or morning and evening papers, to have a Senate to hold in check the House until the people could be heard from; but now, with all these means of instantaneous and intelligent information, the people are informed every day, can reach their immediate representatives every hour, and they need no protection by a conservative and critical body elected for a longer term and with securer hold of office." Others say, "In amending the Constitution. so amend it that no representative of the interests can be a Senator." They define the interests as every man who in his personal business or in any employment he may have is interested in legislation. They bar out everyone who directly or indirectly may be affected by the tariff. They bar out all who are counsel for those who may be affected by the tariff. They bar out all stockholders, bondholders, and counsel of corporations. They bar out labor unions. They reduce the opportunities for choice by this process of elimination until, if they ultimately succeed, the United States Senate will be composed entirely of undertakers, whose profits are in the increasing number of those who die. [Laughter.]

There is a vast amount of humbug about this talk of the interests. I have been a conspicuous victim of it. I have been most of my life in the railway service, and also active in public affairs. I am proud of the fact that while president of the then greatest railroad in the country my State unanimously presented me for President of the United States in the national convention. I decided never to sever nor deny my business associations. It is an insult to the 2,000,000 men who are in the railway service for one of them to admit directly or indirectly that it is impossible for a railway man to serve the public as well as a farmer, or a manufacturer, or a lawyer, or a merchant, or a doctor, or a minister, or a mechanic. I have found no difficulty in serving in the Senate under the administrations of President McKinley, President Roosevelt, and President Taft in supporting, by voice and vote, every administration measure of President McKinley, President Roosevelt, and President Taft. As a matter of fact, the railway man in the public service is uncommonly anxious to prove that the interests of his constituents, the people, are his paramount duty. But we all know that it has never been considered any discredit for a Member of Congress who is either a manufacturer, a miner, a farmer, or an importing merchant to actively labor for such modifications of a tariff bill as may be in the interests of the business or occupation to which he belongs, or a labor Member to work for labor legislation.

There is one view of this proposed change in the Constitution which has not received the attention it deserves. It is said that legislatures are more easily influenced by money consideration than popular elections. It is well known that in the primary contests for United States Senator, which are the equivalent of a popular election, there have been expended sums of money so vast that they are beyond anything ever charged or dreamed of in legislatures. The record of the State legislatures in the election of Senators for 122 years is singularly clear of malign influences. But the critical situation is that which would be created in cases of contested elections. As it is now, the Senate in judging of the qualifications of its Members has a very plain and simple duty. The doings of a representative body of limited numbers are easily inquired into and the Senate committee always has the assistance of committees of the legislature, of grand juries, and of prosecuting attorneys. But in a State-wide election for United States Senator the happenings at every polling place would become a matter of charges and of investigation. We all know that the taking of testimony in those contests generally occupy a session and sometimes the whole term of the Member. There are 4,668 election districts in the State of New York and a proportionate number in every other State according to population. It is no exaggeration to say that in many of these election districts there is always a large expenditure of money in the purchase of votes. The scandals of Adams County, Ohio, now under investigation, where 2,000 of the 5,000 voters have already been convicted, is, of course, a rare case of the corrupt use of money. But the Ohio papers of both parties say that, while not in so large a degree yet to a certain degree, such conditions exist not in whole counties but in city wards and county precincts scattered through the State. If the election of a United States Senator had been according to the new proposition, the Committee on Privileges and Elections would be instructed to investigate these charges, if not before, yet immediately upon, the taking of his seat by the new Senator, ATLEE POMERENE. There have been over 400 contested-election cases in the House of Representatives. Four-fifths of them have been notoriously decided by partisan considerations. In every case, if there is a shadow of a doubt, the doubt is in favor of the contestant who belongs to the majority. If the Senate was close, as the times indicate it will be within an early period, the majority would have committees probing into every election district in States which had elected a Senator who would help in turning the minority of this body into a majority against its sitting Members. The contest would be interminable, the situation deplorable, and the decision, whatever it might be, partisan or at least so charged and generally believed.

The doctrine has been advanced here by all those who have expressed an opinion in opposition to the Senator from Illinois retaining his seat that where there is any bribery proven the seat of the Senator must be vacated. Under that doctrine, the record of Adams County would only have to be presented to the Senate and the new Senator from Ohio would not be permitted to take his seat. The whole matter would be remitted back to the State of Ohio for another popular election with possibly a repetition of the first result.

We all know, and we are all proud of the fact, that the lobby has disappeared from Washington. When I was here during the Civil War the hotels were filled with lobbyists, and scandals charged against individual Senators and Members of the House were so current as to be common and excite no comment. The same was true for a decade at least following the Civil War. But to-day there is no breath of suspicion against the vote by which the great measures of the last 20 years, affecting as they have in the most vital way the wealth, the productive

power, the capital, and the labor of the country, have been enacted into laws.

Two sets of States, though having entirely different interests, are cordially united in pressing this legislation. They are the new States with small populations compared with the older ones, and what were formerly known as the slave States of the Union. This is the only measure on which is unfortunately revived the "solid South." I warn each of them that they are prying off the lid from Pandora's box. They are letting loose the devils to pursue them with increasing aggressiveness, force, and strength during the coming years. Among a people who regard with such extreme reverence, and I might say awe, their Constitution, as do the people of the United States, sentiment is a tremendous factor in the preservation of existing conditions. Change existing conditions and sentiment is buried by the overwhelming force of interest. The goal of all ambitious States has always been power. In the formation of the Republic and the compromises which brought about the Federal Union, power was surrendered by the more populous States to the less populous in representation in the Senate, and surrendered also to the slave-holding States in representation in the House of Representatives. But we propose deliberately to raise this Frankenstein and send him upon his resistless way.

In the debates in that marvelous convention which framed the Constitution—those wise men, who were actuated by only one motive and that the formation of an indestructible union of sovereign States into an all-powerful republic—two things were unanimously agreed to—one that each State in its sovereign capacity should have equal representation of its sovereignty by two ambassadors called Senators in the Federal Senate, and the other that the corporate representation of the State, the legislature, should elect these two ambassadors. They thus preserved on the one hand the equal sovereignty of all the States, large and small, through equal representation in this branch of the Federal Government, and on the other, to prevent growing populations in some States from endeavoring to disturb the equality of representation in the upper House, they selected State legislatures as the medium through which the voice of the State should be expressed. This process has impressed with equal wonder and admiration De Tocqueville, Gladstone, and Bryce, the three greatest writers upon the Constitution of the United States. In fact, when French statesmen were framing the machinery for the third republic of France they decided that one of the best means of avoiding the rocks upon which the other two had been wrecked was to have a senate elected upon lines similar to those which exist in our Constitution. They had no States, but they created artificial States. They divided France into senatorial districts, combining in each district a number of districts which were represented in the popular chamber. They fixed a long term for their senators. In the senate district, when a vacancy occurs, the members of the lower house from that district, the mayors of the cities and of the villages, meet in convention and elect a senator. French statesmen of to-day with whom I have talked claim that many a time in the nearly 40 years of the existence of the present Republic, this check by such a senate upon the turbulent passions of the hour of the lower house has given the people time to think and saved the Republic from ruin.

Now, as to the Southern States and their anxiety to preserve their present exclusive election laws: The average number of voters required to elect a Member of Congress in the State of New York is 38,408. The average number in the whole United States is 31,196. The average number of voters for Congressman in the nine States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia is 8,266. In Mississippi 3,000 elect a Congressman; in South Carolina, 4,341; in Georgia, 5,072; and in Arkansas, 5,886. Now, then, 38 States of the American Union have a population of 45,780,297, while 10 States have a population of 45,860,900; and yet these 10 States have 20 Senators and the 38 States, with practically the same population, have 76. The four contiguous States of Idaho, Nevada, Utah, and Wyoming have a population of 926,785. The four States of New York, Pennsylvania, Illinois, and Ohio have a population of 27,184,437. On a popular basis of representation by the people these four States of Idaho, Nevada, Utah, and Wyoming have four Members of the House of Representatives, while on the same basis the States of New York, Pennsylvania, Illinois, and Ohio have 115 Members of the House of Representatives. But in the United States Senate this 927,000 of population of these four States have eight Senators, while the 27,184,000 of the other four States have also eight Senators.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Will the Senator from New York yield to the Senator from Georgia?

Mr. DEPEW. Certainly.

Mr. BACON. I do not desire to interrupt the Senator's argument, but at the same time I do not desire the RECORD shall go abroad without, in a certain sense, an issue upon one statement made by the Senator, not directly but by implication, in regard to the number of votes cast in the South in the election of Representatives. The implication is that the vote is a representation of the population or of those who are the legal voters or of those who participate in the selection of Representatives.

Mr. DEPEW. Of those who are permitted to vote.

Mr. BACON. I will say something about that a little later. Of those who are the legal voters in the State, the implication is that that is a representation. The fact is that in those States where there is such a small vote cast at the regular election the true election is the primary election. I will state, by way of illustration, that in a primary election in my State where there will be between two and three hundred thousand votes cast in the primary election there will be fifty or sixty or seventy thousand votes cast at the regular election, the election provided by law. The reason for that is simply that there is but one political party in the State, the other party not even making nominations, so that when the contest between individuals who compete for the nomination has been decided the election in November at the date prescribed by law is one in which there is no contest, and consequently no inducement for people to go to the polls.

Now, as to the question as to who are permitted to vote, I will state to the Senator as to my State, and I presume it is true as to other States equally, that no man is denied the right to vote who has the qualifications under the law to vote; that there is no obstruction whatever to any man's voting who has the right to vote; and the question of his right to vote is one which is to be settled by the courts and not by the suggestions which the Senator makes now in a side remark as to who are permitted to vote, implying that those are not permitted to vote who are entitled to vote.

I do not desire to enter into that discussion now, and I did not rise for that purpose. The only purpose I had was that in the very interesting speech of the Senator, and the very strong speech, the suggestion made by him as to the number of those who vote in those States might not go out as being even by implication a statement of the fact that they are a representation of those who in fact take part in the choosing of Representatives. They are but a very small part of those who in fact determine the question who shall be the representatives in Congress.

Mr. DEPEW. Mr. President, not desiring any further interruption until I have completed my speech, I will simply say in response to the Senator from Georgia that what I was really referring to is the fact of the disproportionate number of voters in proportion to the population in the Southern States and in the Northern States. In many of the Southern States so many electors are disfranchised that it takes 27 voters in New York to equal one voter in a Southern State. When an investigation is made it will be found that the same is true of the primary, that because of the large number disfranchised the vote does not correspond to the population, as it does in other States where these restrictive laws do not exist.

Now, as to the qualifications or disqualifications, undoubtedly nobody votes in those States except those who are qualified by the State laws. But who are disqualified? We all know the grandfather clause, which is still in existence in many of the States. But there are others. For instance, there is the educational clause.

Mr. BACON. Found also in Massachusetts.

Mr. BAILEY. It ought to be found in all of them.

Mr. DEPEW. But in its application very different in Massachusetts. A very interesting story was told me, and sometimes an illustration shows the situation better than an argument. This story was told me by a friend of mine, a southerner, a Yale man, and therefore entitled to belief on all questions. He said that at a precinct in his county a Negro preacher came up to vote. The canvassing officer said, "You know under our law you have to read and write." "Well," he said, "I was educated at Howard University and at the Howard Theological School; I can read and write." "Do you understand the Constitution of the United States? That is another requisite." "Well," said the clergyman, "I know it by heart, and think I understand it." "Well," said the canvasser, "under the Constitution of the United States you must get out a writ of habeas corpus before you can be permitted to cast a vote, and do you know what a habeas corpus is?" The minister answered, "No, Mr. Canvasser; I do not know what a habeas corpus is, but I do know that a Negro can not vote in the State of Mississippi." [Laughter.]

Parties are always seeking paramount issues. The great leader of the Democratic Party made this question of changing the method of the election of United States Senators, as he thought, a paramount issue. It failed to materialize as he imagined it would, because there was no popular response, and there is none to-day. But the glaring inequality exhibited by the figures which I present are a firm foundation for a paramount issue. The resistless cry from the stump and from the press will be, "Less than a million of people shall not be permitted to neutralize and possibly defeat the wishes of over 27,000,000 citizens. This is a government of the people, by the people, and for the people, and here is a small oligarchy blocking the progress and defeating the wishes of an overwhelming majority. We have paved the way for this reform. It took us, the people, 122 years to get rid of the fetish of the sacredness of the Constitution. Now we have buried that bugaboo, and the people, having come into their own in part, must regain the whole of the power to which they are entitled." What are our friends who are so gayly and hilariously pushing this proposition going to answer before indignant multitudes to this natural sequence? The next slogan for popular appeal will be "Mend the Senate or end it."

I remember, before the Civil War and before the abolition of slavery was advocated by any except a mere handful of abolitionists, that one of the issues hotly debated and earnestly pressed was to take away from the slave States the representation to which they were entitled in Congress because of their slaves. This agitation made no headway whatever, and was met invariably by the sentimental answer of the people that this part of the Constitution was agreed to by the fathers, and they would not go back on them. Every intelligent student of the present rapid trend toward popular government must see what would happen when this sentimental bar of the States being represented by two Senators instead of by the people in the United States Senate is thrown down. The initiative, the referendum, and the recall are but symptoms of the times. That the people will have their way, because they, and they alone, are the Government, is the underlying spirit of our institutions, of our newest State constitutions, and of our progressive laws. Skillful agitation seizes upon every pretext and eagerly grasps and enlarges every opportunity for appeal to the passions in an advancement of its purposes. The next cry will necessarily be, "Why not elect the Supreme Court of the United States by popular vote? Why not elect the Federal judiciary everywhere by a popular vote?" Unless we admit that the fathers made a mistake, and a grave one, in throwing these restrictions upon the immediate expression of the passion of the hour into legislation or decision, there is no legitimate answer to such a proposition. A constitutional convention can abrogate the promise of equality of the States in the Senate in the present Constitution. Let the wave rise high enough and thirty millions of people will not consent to have their will thwarted and their laws enacted by five millions. In the jealousies of the colonies, large and small, it was easy to make this compromise, because for the formation of the Republic it was necessary to have all the colonies in as sovereign States. But we have demonstrated by the most gigantic, the most bloody, and the most costly war of history that no State can go out of the Union, and the effort on the part of these sparsely populated States to resist by force their taking their share in legislation in the upper House as they do in the lower House—in proportion to their population—would be treated with scorn and contempt. Majorities are never sentimental and, when they believe they are right, never merciful. "The power is ours by nature and by right, and we will come into our own," will be the cry of the majorities in the future, and there is no logical answer to the claim.

I have spoken thus earnestly from profound conviction. Certainly no Senator can be freer from selfish motives than I am. This legislation can affect my career in the future neither one way nor the other. I have the profoundest reverence, which no language can adequately express, for this wonderful Constitution of the United States. My 12 years' service in this body has increased the lifelong admiration I had for it, and to that admiration from this long association with its members has come the tenderest affection. I do not object to changes, even revolutionary changes, when the reasons for them are adequate and when the transparent evils from action are not greater than the prophesied good.

The Senators who have been reelected and the new ones who have been chosen by the legislatures of their several States this year are selections which could not be improved upon by any new method. Of our present Members Massachusetts returns here one of the most brilliant and able statesmen who ever represented that Commonwealth. Mr. LODGE; Maryland gives us back that great lawyer and resourceful debater, Senator RAYNER; Minnesota returns one of our hardest working and most valuable Members, Senator CLAPP; North Dakota honors itself and strengthens the Senate by giving back to us one who has rendered his State and country such distinguished service, Senator MCCUMBER; Pennsylvania returns to us a journalist and a business man who has proved a most useful Senator, Senator OLIVER; Texas continues in her service, and that of the Republic, a Senator who has been so long the Democratic leader upon the floor, Senator CULBERSON; Utah continues in the Senate one of the ablest constitutional lawyers in this body, Senator SUTHERLAND; Vermont strengthens the ranks of the practical business men who are needed in legislation for a business country like the United States, Senator PAGE; while Wisconsin sends a statesman who has repeatedly proved by popular and primary elections that he is the choice of his Commonwealth. While he and I would seldom agree upon public questions, yet there is no abler representative of the views and policies entertained by him and large numbers of others than Senator LA FOLLETTE. The same is true of the new Members. We have from California, Judge WORKS; from Connecticut, ex-Gov. MCLEAN; from Indiana, ex-candidate for Vice President on the Democratic ticket, Mr. KERN; from Maine, that brilliant lawyer, CHARLES F. JOHNSON; from Michigan, a statesman tried in the House of Representatives, Mr. TOWNSEND; from Mississippi, the brilliant leader in the House for many years of the Democratic Party, JOHN SHARP WILLIAMS; from Missouri, JAMES A. REED; from Nebraska, GILBERT M. HITCHCOCK; from North Dakota, ASLE J. GRONNA; from Ohio, Lieut. Gov. ATLEE POMERENE; from Washington, MILES POINDEXTER; and from Rhode Island, HENRY W. LIPPITT.

Mr. President, there is a list of Senators selected to serve for the next six years in this body by the legislatures of their States, and no one will assert that if the elections had been of choice by State conventions or directly by the people they would have been either better or abler.

Most of the so-called radical legislation of the past 10 years has been really conservative legislation. It has been the correction of admitted evils, the enacting into law of measures for things unknown by previous generations but vital for the present and the future in the development of the country. But here in this proposition we are called upon to disregard the overwhelming lessons of the past and enter upon an untried experiment, to adopt a theory which opens the door for innumerable possibilities of danger to the sovereignty of the States and wise conservatism in the administration of government.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. ROOT. Mr. President, I had intended to make some remarks at this time on Senate bill 6708, to amend the ocean mail service act of March 3, 1891. I find, however, that several other Senators have arranged to speak at this time on other subjects. Accordingly I will give notice that, with the permission of the Senate, I will make some observations upon this bill immediately after the close of the routine business to-morrow.

RULE REGARDING TARIFF LEGISLATION.

Mr. SMOOT. Mr. President, at the request of the Senator from Iowa [Mr. CUMMINS], I ask that Senate joint resolution 127 be laid before the Senate.

The PRESIDING OFFICER (Mr. CARTER in the chair). As requested by the Senator from Utah, the joint resolution will be laid before the Senate.

The SECRETARY. A joint resolution (S. J. Res. 127) to limit the right of amendment to bills introduced to amend an act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

The PRESIDING OFFICER. The pending question is on the reference of the joint resolution to the Committee on Rules.

Mr. SMOOT. Mr. President, I had intended to avail myself of this opportunity to answer some of the many untrue and unjust statements published in magazines and newspapers throughout the country respecting several of the important schedules of the tariff act of August 5, 1909; but I have decided to content myself with a few observations upon Senate joint resolution 127, introduced by the senior Senator from Iowa, providing that—

> No amendment shall be in order or allowed which proposes to amend, or the effect of which is to change, any paragraph or item in said act which is not embraced in the schedule containing the paragraph or paragraphs, item or items, sought to be amended or changed in any such bill.

The tariff act is a complete whole. It is not made up of independent integral parts; but all the parts are so interwoven that any change in one of them might disastrously disarrange other parts in entirely different schedules.

The purpose of the Republican protective tariff system is to afford sufficient protection to American manufacturers and producers to place them on terms of equality with their foreign competitors. To determine the amount of duty each article must be taxed in order to accomplish that end, the cost of the materials entering into the fabrication of such articles is an essential element. As the cost of materials to the manufacturer is increased or decreased by changing the duty thereon, it follows that a commensurate change in other schedules of the act must be made to maintain the proper equilibrium between the materials used and the articles fabricated in this country from such materials. To illustrate this point, the duty on alcohol is $2.60 per proof gallon under Schedule H. There are a number of paragraphs in other schedules—take paragraph 67, Schedule A, for instance—on which a sufficiently high duty is imposed to compensate the American manufacturer for the duty he is forced to pay on the imported alcohol which he uses.

It is safe to say that perfumery and many other articles are composed of at least 90 per cent in volume and 50 per cent in value of alcohol. Were paragraph 67 revised by making the duty on the articles provided for thereunder 25, 35, or even 50 per cent ad valorem without the additional compensatory duty, domestic manufacturers would be driven out of business by their foreign competitors. On the other hand, if paragraph 300 were changed and alcohol made dutiable at 60 per cent ad valorem only, while paragraph 67 was allowed to remain undisturbed, the rate on perfumery and toilet articles would be exorbitant and would prevent all importations of such articles.

There are thousands of articles provided for in the tariff act which are made of materials subject to duty under other schedules, and the duty on such articles is regulated by the rate imposed upon the materials from which they are made. Granadilla and other foreign woods form the chief part of stringed musical instruments and have to be imported. They are roughly fashioned to form and are dutiable as manufactures of wood at 35 per cent ad valorem under paragraph 215, Schedule D. Metal is also an important part of almost all musical instruments. These metal parts are dutiable at 45 per cent ad valorem under paragraph 199, Schedule C. The rate of 45 per cent ad valorem has been accordingly fixed upon musical instruments under paragraph 467, Schedule N. A reduction of duty on musical instruments to a less rate than 45 per cent without a corresponding reduction on manufactures of wood and metal would be an unjust discrimination against domestic makers and in direct contravention of the principle of protective tariff. If by reason of our tariff the foreigner is taxed only 25 per cent on his materials and the domestic manufacturers are compelled to pay 35 per cent and 45 per cent on the same materials, then, regardless of the difference in wages here and abroad, it will no longer be a question of reasonable profit to our home producers but how long they will be able to do business at a loss.

In order to show the unsoundness of the pending resolution it is only necessary to examine briefly a few paragraphs and schedules. I propose to prove by direct reference the impracticability of attempting to prescribe a rate of duty on certain items listed in one schedule without prescribing a corresponding rate on related articles provided for in some other schedule or schedules of the act. I have selected items for this purpose which form a large part of our importations and are therefore of exceedingly great importance to the consumers and producers of this country.

SCHEDULE A.

Paragraph 2. The rate of duty of 60 cents per pound and 25 per cent ad valorem on alcoholic compounds provided in this paragraph contains a compensatory duty dependent upon the amount levied on alcohol under paragraph 300, Schedule H, now providing a rate of $2.60 per proof gallon.

Paragraph 3. The same condition prevails, as noted in the case of paragraph 2, with reference to chemical compounds, mixtures, and salts containing alcohol or in the preparation of which alcohol is used.

Paragraph 4. The rate of duty levied on alumina, hydrate of or refined bauxite, as provided in this paragraph, regulates the rate on aluminum, aluminum scrap, and alloys of any kind in which aluminum is the component material of chief value, in crude form, plates, sheets, bars, and rods, as provided in paragraph 172, Schedule C.

Paragraph 12. Camphor is the principal ingredient used in the manufacture of celluloid, and the rate of duty of 6 cents per pound provided in this paragraph regulates the duty that should be imposed upon films and other articles provided for in paragraph 474, Schedule N.

Paragraph 15. The rate of duty on coal-tar dyes depends upon the rate levied on coal tar, crude, pitch of coal tar, now upon the free list in paragraph 536. Coal-tar dyes enter into the cost of cotton, woolen, and leather goods.

Paragraph 17. The rate of duty levied upon celluloid in this paragraph depends largely upon the rate of duty on camphor provided in paragraph 12 and regulates the rate that should be levied on films and other articles provided for in paragraph 474, Schedule N.

Paragraph 35. The rate of duty on linseed oil, as provided in this paragraph, has a material bearing on the rates on linoleum provided in paragraph 347, Schedule J.

Paragraph 38. The rate of duty of 40 cents per gallon on olive oil regulates almost entirely the rate provided on all fish, by whatever name known, packed in oil, under paragraph 270, Schedule G.

Paragraph 46. The rate of duty of 4⅜ cents per pound on chrome yellow, chrome green, and all other chromium colors, in the manufacture of which lead and bichromate of potash or soda are used, as provided in this paragraph, is regulated by the duty of 2½ cents per pound on lead in pigs and bars, paragraph 182, Schedule C.

Paragraph 48. The rate of duty of 3¼ cents per pound on orange mineral, as provided in this paragraph, is regulated by the rate of duty on lead in pigs and bars, paragraph 182, Schedule C.

Paragraph 49. The rate of duty of 2⅝ cents per pound on red lead, as provided in this paragraph, is regulated by the rate levied on lead in pigs and bars, paragraph 182, Schedule C.

Paragraph 51. The rates of duty charged on spirit varnish, as provided in this paragraph, are regulated by the amount of duty levied on alcohol under paragraph 300, Schedule H.

Paragraph 52. The rate of duty of 4⅝ cents per pound on vermilion reds, as provided in this paragraph, is regulated by the rate of duty on lead in pigs and bars, paragraph 182, Schedule C.

Paragraph 53. The rate of duty of 2½ cents per pound on white lead, as provided in this paragraph, is regulated by the rate of duty on lead in pigs and bars, paragraph 182, Schedule C.

Paragraph 55. The duty on oxide of zinc and white pigment provided in this paragraph is regulated by the amount of duty charged on zinc in blocks, pigs, or dust, under paragraph 194, Schedule C.

Paragraph 58. The rate of duty of 3 cents per pound on acetate of lead, white, as provided in this paragraph, is regulated by the rate on lead in pigs and bars, paragraph 182, Schedule C.

Paragraph 65. The duty of 55 cents per pound on medicinal preparations containing alcohol, as provided in this paragraph, depends almost entirely upon the duty charged on alcohol under paragraph 300, Schedule H.

Paragraph 67. The duty of 60 cents per pound and 50 per cent ad valorem on perfumery, including cologne and other toilet waters, as provided in this paragraph, largely depends upon the duty charged on alcohol under paragraph 300, Schedule H.

SCHEDULE B.

Paragraph 93. The rate of duty on ornamented or decorated china, porcelain, earthen and crockery ware, as provided in this paragraph, depends largely upon the rate charged on decalcomanias in ceramic colors under paragraph 412, Schedule M.

Paragraph 96. Carbons for electric lighting, if composed chiefly of lampblack, are subject to duty at 65 cents per 100 feet, while similar carbons composed of petroleum coke are only 35 cents per 100 feet. The necessary compensatory duty would be disarranged by changing the rate on lampblack, which is provided for in paragraph 45, Schedule A.

Paragraph 97. If the rates of duty on plain green or colored glass bottles provided in this paragraph were changed it would disarrange the duty on mineral water under paragraph 312, Schedule H.

Paragraph 103. The additional duty charged on looking-glasses, looking-glass plates, and innumerable articles of glass, silvered, depends almost entirely upon the rate of duty charged on quicksilver under paragraph 189, Schedule C.

Paragraph 105. Spectacles, eyeglasses, goggles, and frames for the same are affected very materially by the amount of duty imposed on manufactures of metal under paragraph 199, Schedule C.

Paragraph 108. The duty on opera and field glasses, telescopes, and other articles provided in this paragraph is very largely affected by the duty levied on manufactures of metal under paragraph 199, Schedule C.

SCHEDULE C.

Paragraph 145. Card clothing manufactured with felt face, wool face, or rubber face cloth containing wool is charged

with a higher rate of duty, dependent upon the duty levied on wool under paragraphs 369 or 370, Schedule K.

Paragraph 157. The ad valorem duty of 35 per cent on stocks of shotguns of all kinds provided in this paragraph is regulated by the duty of 35 per cent ad valorem on manufactures of wood under paragraph 215, Schedule D.

Paragraph 158. The reduced rate of duty on table, kitchen, and hospital utensils provided in this paragraph, is attributable to the ad valorem rate of 25 per cent on fusible enamel covered by paragraph 110, Schedule B, the enamel comprising a very considerable part of the cost of the complete wares.

Paragraph 166. The different rates of duty on steel plates engraved, stereotype plates, electrotype plates, and plates of other material provided for in this paragraph are made to conform to the duty imposed upon printed matter, plate glass, and lithographic prints under paragraphs 101 and 102, Schedule B, and 412 and 416, Schedule M.

Paragraph 170. The duty imposed upon umbrella and parasol ribs and stretchers composed of metal can not be changed without affecting materially the assessment of duty on umbrellas and parasols and sunshades under paragraph 478, Schedule N.

Paragraph 179. The ad valorem rate of 60 per cent on tinsel wire, made wholly or in chief value of gold, silver, or other metal, is made to conform to the rate provided in paragraph 349, Schedule J, on laces, embroideries, braids, and so forth; Schedule I on cotton; and Schedule L on silk. Unless the rate of duty was made uniform endless confusion and litigation would ensue.

Paragraph 195. No adequate compensatory duty can be provided on cans, boxes, and packages composed in chief value of metal lacquered or printed by any process of lithography without regulating it by the amount of protection accorded to lithographic printing under paragraph 412, Schedule M.

Paragraph 196. The duty on bottle caps is regulated largely by the duty on lead under paragraph 182, Schedule C, and as they are ordinarily ornamented by lithography the rate provided for lithographic printing in paragraph 412, Schedule M, materially affects the duty on caps.

SCHEDULE D.

Paragraph 202. The rate of duty on briar root provided in this paragraph affects the duty on pipe bowls under paragraph 475, Schedule N.

Paragraph 214. The 35 per cent ad valorem rate provided in this paragraph on porch and window blinds, baskets, curtains, shades, or screens, composed of bamboo, wood, or straw, is designed to harmonize with the duty provided in paragraph 463, Schedule N.

Paragraph 215. Certain manufactures of wood especially adapted for use in the manufacture of toys, paragraph 431, Schedule N; boxes, paragraph 411, Schedule M; saddles and saddlery, paragraph 461, Schedule N, besides numerous other articles, have to be imported. The rates of duty on these articles are made to correspond with the duty provided in this paragraph on manufactures of wood, and to change the rate thereon would disarrange all of the foregoing paragraphs.

SCHEDULE E.

Paragraph 216. The rate of duty on sugar provided in this paragraph largely regulates the duty on sweetened biscuits, wafers, cakes, and other baked articles under paragraph 244, Schedule G, and on chocolate and cocoa under paragraph 292, Schedule G.

SCHEDULE G.

Paragraph 274. The duty on comfits, sweetmeats, and fruits of all kinds preserved or packed in sugar, or having sugar added, as provided in this paragraph, is regulated by the rate of duty on sugar, Schedule E. The duty on fruits preserved in alcohol, as provided in this paragraph, is regulated by the rate on alcohol under paragraph 300, Schedule H.

Paragraph 290. The rate of duty on tallow provided in this paragraph affects the duty on the cheaper-grade soaps under paragraph 69, Schedule A.

SCHEDULE H.

As heretofore shown, the change of duty on alcohol, as provided for in this schedule, would necessitate the remodeling of numerous paragraphs in other schedules which carry a compensatory duty equal to that imposed on the alcohol contained in the articles provided for.

SCHEDULE I.

The successful administration of this, the cotton schedule, depends upon the rates of duty fixed in Schedule J on flax, hemp, and jute, and manufactures thereof, and in Schedule L on silk and silk goods. Endless confusion and controversy in the administration of the customs laws would arise if changes in the rates of duty on many of the articles in this schedule were made without corresponding changes in Schedules J and L.

SCHEDULE J.

Paragraph 347. The rate of duty on linoleum provided in this paragraph would necessarily have to be increased if unmanufactured corkwood, or cork bark, on the free list under paragraph 547, were made dutiable, as would also the rate on cork bark cut into squares, cubes, or quarters, and manufactured corks of all sizes, under paragraph 429, Schedule N.

Paragraph 350. The rate of duty on cotton laces, embroideries, edgings, insertings, galloons, flouncings, nets, nettings, trimmings, and veils, as provided in this paragraph, should be the same as that levied in the cotton (I) schedule on this class of articles.

Paragraph 351. The rate of duty on lace window curtains, nets, nettings, pillow shams, and bed sets, finished or unfinished, made on the Nottingham lace-curtain machine or on the Nottingham warp machine, and composed of cotton, should correspond to the rate fixed in the cotton (I) schedule on similar items.

SCHEDULE K.

Wool is not the only material used in the manufacture of woolen goods. Soaps, oils, dyestuffs, and chemicals in Schedule A; machinery, iron, and steel in Schedule C; coal, leather, and leather belting in Schedule N, are all used in the fabrication of woolen goods and enter materially into the cost of their production.

SCHEDULE L.

This entire schedule covering silk and silk goods is dependent upon the percentage of silk and cotton for the amount of duty chargeable, so that no change could be made without a corresponding change in the cotton schedule.

SCHEDULE M.

Paragraph 408. The rate of duty on filter masse or filter stock provided in this paragraph is regulated by the duty on wood flour, manufactures of wood under paragraph 215, Schedule D, and cotton or other vegetable fiber under paragraph 321, Schedule I, and paragraph 358, Schedule J.

Paragraph 411. The duty on paper, coated or printed with bronze or metal leaf, provided in this paragraph, is based upon the compensatory duty necessary to equalize the duty provided, respectively, on bronze powder and metal leaf enumerated in paragraphs 175, 177, and 178, Schedule C.

SCHEDULE N.

Paragraph 421. All beaded fabrics, nets or nettings, laces, embroideries, etc., provided for in this paragraph, are composed in part of silk, cotton, or vegetable fiber, so that the duty of 60 per cent ad valorem is made to conform to the rates provided in paragraph 349, Schedule J, and paragraph 402, Schedule L. No change could be made from the 60 per cent ad valorem rate in this paragraph unless a corresponding change were made in the silk and flax schedules without serious embarrassment to the administration of the customs laws.

Paragraph 425. The duty on trouser and other buckles is dependent upon the rate levied on iron or steel wire under paragraph 135, Schedule C.

Paragraph 427. The rate provided in this paragraph on buttons, button molds, and blanks could not be changed without affecting the rates on the various materials mentioned provided for in several other schedules.

Paragraph 467. The majority of musical instruments are made in chief value of metal, therefore the duty is made to correspond with the rate provided for manufactures of metal under paragraph 199, Schedule C.

Paragraph 474. The rate of duty provided for photographic dry plates in this paragraph is based upon the rate applicable to glass in paragraph 99, Schedule B.

Mr. President, some will argue that in revising the tariff schedule by schedule consideration will be given to needful changes in other schedules in order to meet the conditions herein presented, but such a course will prove an endless chain, as every change will necessitate still further changes, until a complete revision of the tariff will have taken place.

Schedule-by-schedule revision would enable sections of this country not interested directly in a particular industry to combine and destroy the industry, with no chance left to consider the justice of a reduction of duties on articles necessary for use in the process of manufacture in that industry.

The policy of schedule-by-schedule revision of the tariff, in my judgment, would mark the beginning of the end of the protective system. The New England protectionist will never have free raw material, as produced in the West, and protected manufactured articles made from similar material. The protectionists of the West believe in protection as a principle, and apply it to every section of this country and to every article

upon which a protective duty is required, regardless of locality. Schedule-by-schedule revision is a plan to separate industries which are so correlated that the tariff on one affects the other. Such a system will result in the destruction of our industries, and the great principle of protection, the keystone to the arch of the temple of Republicanism, will be nibbled to death by supposed friends of the protective policy or kicked to death by adherents to the principle of a tariff for revenue only.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. Yes.

Mr. McCUMBER. Before the Senator takes his seat I should like to propound to him a certain question, which I think he can readily answer, in reference to the subject that he has just been discussing. Is it not fair to presume that the Congress of the United States, in considering any particular schedule, will also take into consideration the relation of that schedule to any other schedule the ingredients of which will enter into the item considered in the schedule before Congress?

Mr. SMOOT. If the joint resolution of the Senator from Iowa should pass, Congress could not do so, because they would have no power under the joint resolution.

Mr. McCUMBER. The Senator is in error. I do not think he understands my question. My question is not whether it could change any other schedule in the consideration of the one, but whether, in fixing the duties in the schedule under consideration, Congress would not take cognizance of the duties in every other schedule. It is not fair to assume that Congress would do so?

Mr. SMOOT. That would be a revision subject by subject, and the joint resolution does not provide for that kind of revision, but confines it strictly to schedule-by-schedule and item-by-item revision.

Mr. McCUMBER. But it seems to me that the result of the argument of the Senator himself would be that in considering a single schedule Congress would probably only modify that schedule in such respects as it was out of harmony with other schedules or was excessive or insufficient. Would not that be the practice?

Mr. SMOOT. I will say to the Senator that there may be a schedule the rates of which, perhaps, Congress would think too high and would change the schedule, but changing that schedule would affect items, sometimes hundreds of them, found in other schedules, and under the joint resolution Congress could not take those items affected in other schedules into consideration.

Mr. McCUMBER. But if my supposition is correct, that Congress, in considering the duties on the schedule before them, will take into consideration what are the duties in any other schedule, they will be compelled to do that; and in considering the question of the duties before Congress they will undoubtedly at least modify those schedules in such a way that they will still be in harmony with any other schedule which is not under consideration.

Mr. SMOOT. The Senator will find that if that happens it will change so many paragraphs and schedules that it will amount almost to a revision; and that being the case, we might just as well revise it as a whole rather than by piecemeal revision.

Mr. McCUMBER. No, Mr. President, we would not consider the others at all except as a basis for our judgment on the schedules under consideration. Let me give an example.

We will suppose the Senate has under consideration the schedule which relates to the duty upon manufactured furniture. We well know that in considering that duty we have to take into consideration the fact that the glass which enters into the furniture is found in some other schedule; that the wood is, perhaps, in another schedule; that the leather for the upholstering will be found in still another schedule.

Mr. SMOOT. And the paint in another one.

Mr. McCUMBER. And the paint in another one; and if we find, in considering that, that it is in harmony, that the furniture schedule is in harmony with these other schedules, is it not fair to presume that we will not change the furniture schedule if it is going to disarrange all the others?

Mr. SMOOT. Suppose a Representative in the House should introduce an amendment to the tariff act putting furniture upon the free list, it should pass, and comes to the Senate——

Mr. McCUMBER. I will assume that they would not pass it.

Mr. SMOOT. Well, I do not know; there may be enough Representatives in the House not particularly interested in the furniture business to vote that it would be a good thing to place furniture upon the free list.

Mr. McCUMBER. I do not think so.

Mr. SMOOT. Suppose they put it upon the free list and the bill came to the Senate. Under this joint resolution we could not change the duty on the glass, the paint, the wood, the leather, or items in any other schedule used in making the furniture.

Mr. McCUMBER. Then, what would we do?

Mr. SMOOT. I do not know.

Mr. McCUMBER. In all probability we would vote against putting it on the free list.

Mr. SMOOT. Perhaps; but we do not know. The same situation might prevail in the Senate, and the Senate might pass it.

Mr. McCUMBER. I do not know; but it would hardly be expected that we who believe in the principle of protection would vote to put furniture, we will say, upon the free list if it disarranged all the duties upon wood and glass and leather and paint.

Mr. SMOOT. Suppose the eastern section of this country and the southern section would agree that they were going to vote for free raw materials and protection upon the manufactured product. It may be with such a combination such a revision could be accomplished. I rather think it could.

Mr. McCUMBER. That is a possibility, but hardly a probability.

Mr. SMOOT. I do not know. I rather think it is a probability.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. Will the Senator from North Dakota yield to the Senator from Vermont?

Mr. McCUMBER. I yield.

Mr. PAGE. I should like to ask a question in this connection. Is it not possible that we might take up these schedules with the idea of reducing them all, and say to-day we will reduce the duty upon furniture, say, and when we get to it we will reduce the others?

Mr. SMOOT. Yes; when you get to it there may be a change in administration. The time to change it is when we have it under consideration. The way to make a tariff bill is to make it as a whole and not to make it paragraph by paragraph, item by item, or schedule by schedule. A tariff bill should be considered as a whole.

Mr. PAGE. My suggestion was prompted by the suggestion of the Senator from North Dakota, that we might not omit changing the schedule upon furniture, because we would expect later on to change the other schedules.

Mr. SMOOT. Yes; but later on may never come.

Mr. FLINT. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I yield.

Mr. FLINT. I should like to ask the Senator from Utah a question. Under the doctrine contended for in some of the New England States for free raw material, what benefit would be derived by the manufacturers if Congress placed lead on the free list?

Mr. SMOOT. That is, you mean if they put lead on the free list and left the rates on paint as they are to-day?

Mr. FLINT. Yes; as they are under this schedule.

Mr. SMOOT. Of course, it would be out of harmony in every way, and it would stop importations entirely, and be unjust to the American people.

Mr. FLINT. Who would receive the benefit of it?

Mr. SMOOT. The domestic manufacturers of paint, and no one else.

Mr. CUMMINS. Mr. President, I shall forego the purpose that I have had to submit at some length a reply to the arguments which have been brought forward against the joint resolution now under consideration. The fact that it can not be considered finally at this session, together with the great pressure upon the Senate for the debate and the decision of other bills which must be either adopted or rejected now, has led me to change my plan; and I shall occupy the attention of the Senate but a few moments in replying to the several addresses that have been made by those who take a view contrary to my own.

I am very glad that the Senator from Utah [Mr. SMOOT] finally made known his views without any modification whatsoever. I think that what he has just said may constitute the issue that will be fought out here and elsewhere among those who believe in protection. The Senator from Utah declares that there ought to be no change in the tariff law except through a general and complete revision; and I accept that challenge. I knew it was the view of some of those who have apparently been insistent that this joint resolution was harmful and injurious, but the Senator from Utah is the first of its opponents who has had the courage to declare, boldly,

clearly, definitely, that there shall be no change in any item of the tariff law until we are prepared for a complete revision.

The opponents of the joint resolution, however, divide themselves into two classes. The first I may mention are those who are opposed to this particular method of reaching the object which I originally declared ought to be attained.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. Before the Senator leaves the subject he has just been discussing, I should like to say that my remarks were directed to the joint resolution with respect to schedule by schedule revision. There could be a revision of the tariff subject by subject, considering every item in the bill affected, and it could possibly be carried out successfully. And yet, as I said, I believe, if undertaken, there would finally be so many changes that it would amount almost to a revision.

Mr. CUMMINS. I take it what I said in regard to the Senator from Utah must stand, for not only do I infer from his fierce assault upon the joint resolution, without suggesting anything in its stead, that he believes there can be no partial revision or amendment of the tariff law, but in response to an inquiry put either by the Senator from Vermont or the Senator from North Dakota—I do not remember which—he declared that there could be nothing and must be nothing like a piecemeal revision, and that the only way in which the doctrine of protection can be maintained is to apply it throughout the whole length and breadth of the subjects covered by it, considered at the same time, in the same bill. As I said before, I challenge that position. I believe that it will become one of the important considerations of the near future, and that when we meet again, if we ever do meet again, there will be more light upon that particular subject than there is at the present moment.

I recur to the statement I was just making when interrupted by the Senator from Utah.

The VICE PRESIDENT. Will the Senator from Iowa suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. I will venture to ask the Senator from Iowa about what time he desires to occupy.

Mr. CUMMINS. Not to exceed 15 or 20 minutes.

Mr. GALLINGER. The senior Senator from Massachusetts is ready to proceed with the discussion of the unfinished business, and, of course, he ought to have an opportunity to do so. With the understanding that he will not be long delayed, I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Senator from Iowa will proceed.

Mr. CUMMINS. Those who oppose the joint resolution are two classes, as I said before. First, there are the Senators who do not believe in the exact form in which I have attempted to bring about a change in the rules of the Senate. Among them are the Senator from Rhode Island [Mr. ALDRICH], now unfortunately absent from the Chamber, and the Senator from Massachusetts [Mr. LODGE]. I have no controversy with either the Senator from Rhode Island or the Senator from Massachusetts, because we agree upon the subject to be accomplished. The Senator from Rhode Island believes that we ought to amend subject by subject. I am perfectly willing that it shall be so, because we reach the same result and the same end. If a rule can be formulated that will limit the right of amendment to the subject that is immediately involved, that will please me quite as well as the joint resolution I have introduced.

The Senator from Massachusetts believes that instead of a joint resolution it may be more practicable that we shall have a Senate resolution, either touching amendments by subjects or amendments by schedules. While I should vastly prefer a joint resolution, because I think it would be much easier to reach uniformity of procedure and stability of procedure under a joint resolution than a Senate resolution, yet I do not quarrel with that suggestion. All that I want and all that I hope to do eventually is to aid in bringing about such a reform in the Senate procedure and rules as that we can amend a tariff law in those respects in which by the universal judgment of the people it is wrong, without taking up the entire subject of commerce and without terrifying the producers and disturbing business from one ocean to the other.

Therefore I pass from the suggestions that have been made by the Senators whose names I have mentioned to the opposition, the real opposition, to this resolution. It was voiced first in the speech of my colleague, the junior Senator from Iowa [Mr. YOUNG]. It is reiterated in the speech of the Senator from California [Mr. FLINT], and it is now diversified by the address to which we have just listened from the Senator from Utah [Mr. SMOOT]. These are the three Senators who have indicated their unalterable opposition to an amendment of the tariff law unless that amendment be so broad and comprehensive that it shall embrace the entire subject.

I first consider the objections made by my colleague and the Senator from California, because the objections made by them are identical. I am gratified to find that both of them have so much solicitude for the farmer. Sympathy for him and his hard condition breathe in every sentence of the very eloquent address we listened to some weeks ago and the equally eloquent presentation that we heard yesterday.

I do not allow them, I will not allow them, to outrun me in sympathy for the agriculturists of the United States. Coming as I do from a State the agricultural product of which is greater in value than that of any other State of the Union (and that is a proud distinction which my State has enjoyed for some time past), I can not permit my colleague to monopolize the care and protection of the agriculturists, nor can I permit the Senator from California to outrun me. I must be permitted at least to join him in the earnest effort which he apparently desires to make to protect them against the rapacity, the avarice, the greed, the power of New England. I know that New England has been very powerful in the Senate of the United States, but it seems to me, without being invidious at all, that that power is diminishing, and that if the Senator from California were only returned to the Senate he and other Senators from the broad empire, the great sovereignty, of the West, might possibly in the future be able to care for the interests of the millions of men and women who are engaged in agriculture. Speaking seriously, however, I rather resent the suggestion that the Senate of the United States as it will be composed in the days to come will be so indifferent to its duty, will be so careless of the welfare of the people, as to subject the millions of farmers of this country to the oppression so graphically described by the eloquent tongue of the Senator from California.

Let us see. If the Senate is composed of men who believe in protection—and that is the hypothesis upon which I desire to present this rule, because I frankly confess that if my Democratic friends fall into a majority in this body they will have much less use for a rule like this than those who believe in the doctrine of protection—I do not say that it would not be useful to them, but it would be of inconceivably less use to them than to us. Therefore, I am assuming that this body of men will be made up in the future, as it has been in the past, a majority at least of whom will believe in the doctrine of protection, of those who believe in the definition announced by the Republican national convention in 1908, of those who believe that these duties of ours levied at the customhouses should in a broad, general way represent the difference between the cost of producing commodities in the United States and producing them in other countries.

Mr. FLINT. Mr. President——

The VICE PRESIDENT. Will the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I must fulfill my engagement with the Senator from New Hampshire, but I will yield for a brief question.

Mr. FLINT. The question I desire to ask the Senator from Iowa is this: During the last campaign one of the leading Democrats in this country charged that certain Democrats had voted for higher duties than did the Senator from Iowa. I desire to call the attention of the Senator from Iowa to a product in my State which he voted to place on the free list; it was asphalt; and if it was placed on the free list it would destroy a large industry in my State.

Mr. CUMMINS. I do not agree with the Senator from California that it would destroy the industry in the United States.

Mr. FLINT. In my State.

Mr. CUMMINS. I do not agree that in order to maintain the industry in the State of California and to allow the people of that State to transport asphaltum to the interior of the country, or across the country, we were under any obligations to levy a duty upon the raw product.

However, I will not be tempted into a discussion of the merits of a particular item in the tariff law. I repeat that I shall assume that the Senate in the future, as in the past, in the majority, will be composed of men who believe in protection and believe in the Republican definition of protection, and

that they will apply the doctrine, that they will keep the faith, no matter whether they are driven to it by fear or coerced into it by tempting and alluring results. I repudiate the idea that in the future Senators of the United States will or ought to be subjected to the temptation of voting for what they know to be wrong in order to secure what they believe to be right.

Mr. FLINT. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield further to the Senator from California?

Mr. CUMMINS. I do.

Mr. FLINT. The Senator looked this way in making that very eloquent and pointed remark. I desire to say that as far as I am concerned I did not knowingly vote for a duty in the Payne-Aldrich bill that I did not consider to be a reasonable duty upon the article and one that the industry was entitled to.

Mr. CUMMINS. Mr. President, the Senator from California must assume that my remark in that respect is impersonal and relates to the future and not to the past. Far be it from me to uncover some of the unfortunate scenes of the past year.

I repeat, and I seem to be unable to get beyond this particular point, that all Members of the Senate of the United States, and I believe of the House of Representatives also, can be trusted, those *who believe* in protection, to apply the doctrine fairly, reasonably, honestly, and uprightly. I was amazed to hear the Senator from California yesterday and my colleague a few weeks ago impliedly insist that the Senators here representing certain interests which might be prevailing with them would ignore the doctrine of our party organization, would abandon the party faith, would refuse to be guided by the party belief, and would vote for free trade upon one thing if their immediate constituents were interested in free trade in that particular thing, and for a high duty upon those things which their own constituents might be engaged in the business of producing.

I repudiate the whole notion. If we ever have dwelt upon a plane so low and so sordid it is high time that we should rise above it, and that we should recognize the platform and the principles of our party with regard to protection as dominant, and we should earnestly endeavor to apply those principles to all the products of the United States, without regard to the particular portion of the country in which they may be produced or in which they may be grown. But I want just in closing to assure the Senator from California that if there is anybody subjugated in the United States, it will not be the farmers. They are very well able to take care of themselves, both in point of intelligence and in point of numbers, and not only in intelligence and numbers, but in the importance and the value of the industry in which they are engaged.

One moment's reflection will convince the Senate that there never will be a time when a majority of all the Senators here—and I do not now exclude the Senators upon the other side, because I am speaking broadly—will not represent States whose dominant and controlling interest is agriculture. There never has been and there never will be a time in which any other interest will grow so large and be so generally distributed throughout the country, so generally diversified, as to bring into the Senate Chamber a majority of Senators in whose hearts there will not be first and foremost the welfare of the men who till the soil.

It is an idle fear, as it seems to me, a mere fancy begotten of morbid thought upon the subject, to believe or to say that the fair interests of the farmers and the fair interests of the manufacturers ever can come into a conflict. I assert that they never can. They always have been, and always must be, in harmony when justly considered and fairly considered. But if a conflict should ever come, it needs no prophet to declare which side will suffer in that controversy.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Will the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Certainly.

Mr. SMOOT. Along that line I will ask the Senator if he knows whether that would be the case provided we eliminated States growing cotton.

Mr. CUMMINS. I will not eliminate the growth of cotton. We should not——

Mr. SMOOT. I do not say the Senator would; but cotton being upon the free list I thought, perhaps, the Senator had gone so far as to know positively whether by that elimination it would apply the same way.

Mr. CUMMINS. It would be true, Mr. President, if you were to eliminate every article upon the free list.

Mr. BACON. Will the Senator from Iowa permit me to make a suggestion? If I understood the Senator from Utah correctly, the purport of the question, or the intended purport of it, is that cotton is on the free list. There is no element in the community that is so deeply interested in the question of the tariff and its proper equalization and its being limited according to our view to its proper province as the growers of cotton, because, while their products can receive no possible benefit by an impost duty, they have to add very largely and suffer very largely an increased cost in their production because everything which they use is nearly doubled in price by reason of the tariff.

Mr. BAILEY. If the Senator will allow me——

The VICE PRESIDENT. Will the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I yield.

Mr. BAILEY. The real thought that was in the mind of the Senator from Utah was not the free list, but it was that cotton is produced in States which have no sympathy with a protective tariff. That was really the idea which the Senator from Utah intended to suggest.

Mr. SMOOT. No, Mr. President; I do not want to be placed in that position, because I want to say frankly the question was discussed from a statement that was made on the floor of the Senate yesterday by a number of Senators, and it was doubted whether, eliminating Senators representing States that produce cotton, there would be a majority of Senators from other agricultural States sufficient to control legislation as suggested.

Mr. BAILEY. That there would be a majority who would favor protection.

Mr. SMOOT. I want to say that I do not suggest that they be eliminated, and have no idea that the Senator from Iowa would; I believe his statement true, counting the cotton States as they should be.

Mr. GALLINGER. Mr. President——

Mr. SMOOT. But the only thing I wanted to ask the Senator was whether he in his examination had found whether there were enough States outside of the cotton-producing States.

Mr. CUMMINS. I did not.

Mr. BAILEY. Is it not really the fact that the Senator from Utah wanted to put to the Senator from Iowa the suggestion that, eliminating the cotton-growing States, which are utterly opposed to the whole system of protection, there would be a majority of the balance in agreement with the Senator from Utah rather than with the Senator from Iowa? Was not that the thought?

Mr. SMOOT. That was not my idea. My idea was to ask for information, because I thought he had gone into the matter and could state offhand the facts.

Mr. BAILEY. I rather think if you would take us out of the calculation you could maintain the highest protection, but, fortunately for the country, you can not exclude us from that calculation.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. GALLINGER. I simply rise to suggest that I think it is but proper that the Senator from Iowa should be allowed to conclude in his own way. The Senator is discussing an interesting matter, but in the very beginning he suggested that it would not be acted upon at the present session of Congress. There are a good many important matters that we hope will be acted upon. I hope Senators will not further interrupt the Senator from Iowa.

Mr. CUMMINS. I think, Mr. President, with that suggestion of the Senator from New Hampshire I will reserve what I have to say further upon this subject until some other time. I see plain evidence of impatience upon his part.

Mr. GALLINGER. Oh, Mr. President, I am not at all impatient, except that the Senator from Massachusetts was ready to proceed at 2 o'clock with the unfinished business.

Mr. CUMMINS. I am not complaining of the impatience.

Mr. GALLINGER. I thank the Senator, because I certainly have not felt it at all.

Mr. CUMMINS. It has been customary heretofore to allow those who had begun before 2 o'clock to finish after that hour.

Mr. GALLINGER. Certainly. I am quite willing that the Senator should conclude.

Mr. CUMMINS. I assumed that that privilege would be extended to me; but I have consumed more time that I expected, and I have done so solely on account of the interruptions. Otherwise I would have concluded. But I am not willing to longer trespass upon the good nature of the Senator from New Hampshire, and therefore I will conclude what I have to say upon this subject at another time.

Mr. LODGE. Mr. President, if the Senator from Iowa desires to go on this afternoon, I am perfectly willing to postpone my remarks until to-morrow.

Mr. CUMMINS. No; I am in entire good faith. I hope the Senator will not think that I am piqued or resentful at all.

Mr. LODGE. Oh, no.

Mr. CUMMINS. I find that it will require a little longer than I anticipated on account of the interruptions and on account of the direction which the interruptions have given to my argument. I do not want to interfere with the Senator from Massachusetts, who, I think, ought to go on with his observations upon the subsidy bill.

MEMORIAL ADDRESSES ON THE LATE SENATORS DANIEL AND M'ENERY.

Mr. MARTIN. Mr. President, after conference with my colleague [Mr. SWANSON] and with the Senators from Louisiana, and with their concurrence, I desire to give notice that on Monday, the 20th day of February, at half past 2 o'clock, I will ask the Senate to lay aside all other business in order that proper tribute may be paid to the memory of my late colleague, Senator DANIEL, and the memory of the late Senator from Louisiana, Mr. MCENERY.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. GALLINGER. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. LODGE. Mr. President, this question of subsidy for our shipping is one upon which I have spoken many times and to which I have devoted much effort in past years. It is a subject in which I have taken a very deep interest, and for two reasons. I think, in the first place, we have treated our shipping interests with injustice; and, in the second place, I believe a proper encouragement will be of very great benefit and profit to the country.

I say that we have treated it with injustice because while the general policy of the United States has been that of protection to all industries, a policy which has been unbroken for the last half century, the one class of people who have had no assistance from the Government whatever in the way of duties have been the shipowners. Therefore, I think that particular class have been treated with injustice, for I believe that if we are to have protection it should be given to all who need it, just as I think if we have free trade it should be given to all. I have no faith in a mixed system.

We live, Mr. President, as Hamilton said in his great report on manufactures, in a protected world. He then pointed out in that great state paper that whatever the theoretical beauties of free trade might be—and he did not underrate them in the least, for he was a student of Adam Smith and familiar with all his principles—we were dealing with the world, where everybody protected their industries, and that therefore we had to deal with those conditions. We are dealing to-day with the world where all the great commercial nations give protection, with a single exception; and in the case of shipping we are dealing with the world, which universally gives protection and assistance to its shipping. We are the only great commercial Nation which fails to do anything for our shipowners.

England has given great encouragement to her shipowners for years. Protection went and free trade came, but she never relaxed in her aid to her shipping.

The nations of the Continent and the new great nation of the Orient, Japan, are all giving help to their shipping. We start with a difficult competition because of our high rate of wages, and it is futile for any nation at this time, especially any nation which has a higher wage standard, with shipping which receives no encouragement, to hope to compete on the seas with those nations.

The very first act of the early Congresses was to discriminate in favor of American shipping. Gradually, as we all know, that preference has been lost by the formation of treaties with the favored-nation clause, and we have not replaced what the earliest statesmen in the country imposed; we have never replaced the preference which they gave to American shipping.

Mr. President, I do not desire this afternoon to go further into the argument in favor of protection and aid to American shipping. I should like to see a measure going much further than this one, but I have long since learned, in dealing with this question, that it was desirable to take the best we could get.

Nothing could be simpler or more reasonable than mail subsidies. At no point do we need them more than in our South American trade. There are our neighbors to the south, countries with which we ought to have a great commerce. We are shut out from sharing in that commerce, because we can not establish lines of shipping from the United States to South America. It is easier for those who desire to visit Argentina, where is the great city of Buenos Aires, to go there by way of Southampton. I do not think it is a creditable situation. More than that, I think it is a most unprofitable one. We are throwing away our opportunities.

The point, however, to which I wish to call especial attention is the nature of the competition which we are called upon to meet. I think it was a year ago, but when we had our last discussion, at all events, upon this subject, I brought forward what seemed to me to be some very interesting facts, which had not been brought forward before, in regard to the great shipping combination which largely controlled the trade of the Pacific, which affected all our exports of grain and flour and all those articles upon which the prosperity of this country is so dependent. Since that speech was made and those facts were brought forward the House of Representatives has made an investigation and has disclosed a combination, a trust, a syndicate—whatever you choose to term it—which far surpasses anything with which we have had to deal in this country, and against which, whenever it appears, so much righteous indignation is expended.

Mr. President, I want to call attention particularly to the matter of the Shipping Trust with reference to the South American trade, so that the Senate may understand exactly what our people have to meet and how utterly hopeless it is for us to expect to get any portion of that commerce unless we do something to encourage the running of the American lines.

EUROPEAN STEAMSHIP TRUSTS.

The newspapers a few weeks ago have stated that—

Suit in equity under the Sherman antitrust law is to be instituted by the Department of Justice against what is known as the European steamship pool, on the contention that it is an arrangement in restraint of trade. * * *

All the steamship companies involved in the proposed proceedings are foreign organizations.

The matter has been under investigation by the Federal grand jury in New York for a long time, and it is expected that suit will be instituted in that State, the American headquarters of most of the steamship lines involved in the pool.

The investigation is said to have developed a case embracing the whole service of the immigration traffic from every country in Europe. The operations of the pool also, it is charged, seriously interfered with the work of American steamers lying at American ports awaiting cargoes, the foreigners underbidding them and getting the traffic. (New York Journal of Commerce, Apr. 1, 1910.)

That newspaper paragraph alludes to Atlantic travel. There is, and long has been, a European Steamship Trust or "combine" in our trade with South America. Consul General Seeger at Rio de Janeiro spoke thus of the foreign steamship combination in a report in 1903:

The united steamship companies which control the carrying trade between the United States and Brazil—the Lamport & Holt Line, the Prince Line, the Robert M. Sloman Line, and the Chargeurs Reunis—have agreed to raise their rates on coffee from Santos and Rio de Janeiro from 30 cents and 5 per cent primage per bag of 133 pounds to 35 cents and 5 per cent. This rate will go into force in October, but as the cargoes for the steamships *Byron*, *Catania*, *Bellarden*, and *Soldier Prince* have already been in large part purchased, these steamers, leaving in the early part of October, have been excepted from this tariff and will carry their cargoes at the old rate.

In an earlier report the consul general had said:

Since last August the freights have been raised and lowered and lowered and raised again, to suit the purpose of the trust, till they have reached their present level. * * * The trust has an agreement with coffee shippers here to pay them a rebate of 5 per cent at the end of every six months from the date of the agreement on all freights collected; provided, however, that this rebate is forfeited in case the shippers give freight to any vessel not belonging to the trust during the period stipulated. Through this arrangement the trust controls the shippers, and American vessels go home in ballast.

A writer and traveler, Julian Haugwitz, in American Trade, had thus described the situation:

Our commerce with Brazil and the River Plata countries is at the mercy of such a shipping combine. Ostensibly four lines are competing in "serving" the route between New York and Pernambuco southward, viz, the Lamport & Holt Line, Prince Line, Norton Line, all British, and the R. M. Sloman Line, which is German. In reality, however, the management of these services is centralized in Liverpool, the freights are pooled, and the spoils divided.

At the head of this syndicate stands Lamport & Holt, of Liverpool, a powerful firm, owning and managing over a hundred vessels. The ships engaged in the New York-South American service are mostly slow and obsolete, steaming 8 to 10 knots an hour, and yet the rates of freight levied on American cargo are nearly double those charged by the speedy, modern, elegant ships plying between Europe and the east coast of South America. Not a case of kerosene or a bag of coffee can escape paying toll to this freight ring, and there was more truth than comedy in the facetious request sent by a Rio shipper to the syndicate's agents at that port asking for a permit to ship some coffee on an outside vessel over their ocean. Numerous tramps or outsiders have been willing in Brazilian ports to take coffee to New York for 20 cents a bag instead of 40 cents, as now exacted. But whenever such a vessel has been placed on the berth the syndicate has promptly lowered its freight to 10 cents, besides boycotting the shippers patronizing the intruder.

Another way by which the syndicate tightens its grip on its victims is to offer them a graduated return on the freights paid at the end of the year, provided no case of infidelity has occurred. An example illustrative of the combine's methods of persuasion and the shippers' liberty of trade happened last fall when a large coffee firm in Santos received an order for 20,000 bags of coffee from New York. The syndicate's freight charge was 40 cents a bag plus 5 per cent, but several outsiders were anxious to carry this cargo at 20 cents, which meant a saving of $4,000 to the exporter on this lot alone, and in the same proportion an economy of $1,000,000 to American coffee drinkers on the 5,000,000 bags imported from Brazil last crop year. The firm in question, having the freight room on hand at 20 cents, asked the syndicate to take the coffee at the same rate, and on the latter's refusal advanced its offer to 30 cents. The combine insisted on its full pound of flesh, and when the exporter accepted the tramp's charter, the former dropped its rates to 15 cents and later to 10 cents for all other shippers, debarring this firm and one or two other strikers from shipping on the combined boats except at the full old rates.

The enormous advantages enjoyed by their less independent competitors, thanks to the combine's bounty, and worth thousands of dollars a day in a business worked on close margins and daily cable offers, soon brought the insurgents to terms; capitulation followed and the former rates were restored. One overconscientious agent at Santos demurred to boycotting his neighbor, and his scruples cost him the loss of the Sloman Line agency.

A New York merchant familiar with the Brazilian trade wrote thus on August 19, 1905, in the New York Journal of Commerce:

I beg leave to call your attention to the very important fact, evidently overlooked by Special Agent Hutchinson and Consul Furniss, that merchants dealing with Brazil have valid and just causes for complaint, owing to the fact that all the steam transportation companies carrying freight between United States ports and Brazil formed a combination some years ago, and as they monopolize the trade their rates of freight are so high as to be prejudicial to the business interests of those who are unfortunately obliged to patronize these companies.

Any independent merchant in this city (New York) or in Brazil—whether importer or exporter—knows that the Lamport & Holt, Prince, and Sloman Lines, plying between this and Brazilian ports, from Pernambuco southward, exact exorbitantly high rates of freight on merchandise carried either way. In the coffee trade it is a well-known fact that these monopolists, notably Lamport & Holt, discriminate in favor of some of the large importers of coffee by making them substantial concessions in freight, which, of course, is detrimental to the smaller importers. This disgraceful state of affairs certainly calls for a drastic remedy. As a merchant and shipper long connected with Brazil, I most heartily and unqualifiedly indorse Consul Furniss's recommendation concerning the need for an American steamship line between the United States and Brazil. Practically the entire trade between the United States and Amazon ports and Maranham and Ceara is monopolized by the Booth Steamship Co., of Liverpool, which, owing to arrangements concluded with other steamship companies, dictates rates, conditions, etc., to suit itself, but always at the expense of the interests of this country. I hope the consul's appeal will result in the establishment of a new line of steamers, which I am positive would speedily secure a very large share of the business between this country and Brazil.

Consul Furniss, at Bahia, stated in his annual report for 1904:

I have to reiterate my oft-repeated report of the need for an American steamship line. The mail service between the United States and this section of Brazil during the year just past has become much worse than heretofore, due to the withdrawal of one or two monthly boats. As a result of the cargo offering here for the United States and the frequent call of vessels to get it, coupled with the fact that Brazil requires all steamers to take mail, there have been frequent calls of vessels to get mails from here, but there is only one regular boat bringing mails from New York. Between times letters are sent hither from New York by various roundabout ways. This has virtually paralyzed the mail service. For this reason it is frequently the case that mail sent from New York in the middle of a month arrives here days after the mail leaving New York on the first of the ensuing month. This causes great prejudice to business, as the mails arriving last often have bills of lading and customhouse documents for goods arriving by the prior steamer, necessitating extra expense, vexatious delays, and great trouble to withdraw from the customhouse here, which seriously hurts our trade.

It is impossible to maintain trade without frequent and rapid mail service. With the lack of this to contend with and the high freight charges out of New York, it is not to be wondered at that year by year our trade with this section is growing less, while the balance of trade in favor of Brazil is increasing. The present lines from New York seem to prefer high freight and little business, and make up by sending their vessels on a triangular course, viz, from Brazil to the United States, from the United States to Europe, and then from Europe, with European goods, to Brazil, with only a few vessels going and coming between Brazil and the United States direct. The German steamship lines are making preparations for an increased service with Brazil. With the aid given by these lines German trade has increased even more rapidly than ours is decreasing, and with the contemplated further increase in its fleet the outlook for German trade is even brighter than heretofore.

The manner in which the trade interests of the United States are made to suffer by reason of the inadequacy of the transportation service between this country and South American ports is nothing short of a crime which must be laid at the doors of Congress. Religiously protecting our interests in every other way, fostering and encouraging our manufacturers, and developing home industries for domestic consumption, it makes no provisions for markets for surplus products, and thus paves the way for future industrial stagnation. In the meantime other countries reap the benefits of the trade demands of these nations by establishing steamship lines and commercial agencies in every important city. Is it any wonder that Mr. Lincoln Hutchinson, who is now in Brazil making a study of the conditions there, exclaims, "The mass of the people scarcely know that such a country as the United States exists!"

Hon. John Barrett, minister to Argentina, said in an address before the Merchant Marine Commission in 1904:

I wish to explain a little in regard to this point. The question arises, If the business is there why do not men go into it? Let me remind you that Europe has become established in this trade in the first place, and that she controls it at the present time. All the steamship lines that undertake this business are European steamship lines, and wishing to build up the trade with Europe rather than with America they form combinations and use their influence against the establishment of American lines. You see that in the agreement of the Lamport & Holt Line, which runs a line of passenger steamers to Rio, but does not go on to Buenos Aires. Because of an agreement with the Royal Mail Steamship Co. of England they agree that they will not run their passenger steamers farther than Rio, and yet I was informed in New York and Philadelphia that an American company was already organized that would be willing to undertake to put on a line of steamers between New York and Buenos Aires, provided they could receive enough money for carrying the mails to insure them against loss while they were establishing a regular trade and traffic.

Consul General Anderson, at Rio de Janeiro, said in the Daily Consular and Trade Reports of September 29, 1906:

Merchants complain that the high freight rates obtaining on goods from the United States to Brazil generally continue to act as a deterrent to trade in general. The conference rates (the conference is the European steamship trust) on goods from the United States to this part of South America are nearly twice as high as freight rates from Asiatic ports to the United States.

Ambassador Griscom, at Rio de Janeiro, in a report to the State Department, published in the Daily Consular and Trade Reports of October 1, 1906, said:

The English company of Lamport & Holt have been running a monthly service (between Rio and New York) with a practical monopoly, and without competition the freights have been prohibitive. It is hoped that we are entering upon a new era more favorable to merchants who may desire to reach out for trade with Brazil. The crying need of our relations with Brazil is better steamship communication. Inquiry among our leading financiers and merchants indicates that encouragement by our National Government in the form of a small postal or other subvention would quickly bring about the establishment of a good line of American steamers between New York and Rio. Given a few facilities our trade with Brazil must inevitably go ahead with leaps and bounds.

Consul General Anderson, in the Daily Consular and Trade Reports of December 10, 1906, said:

The steamship *Goyaz*, the ship of the Lloyd Brazileiro which inaugurated a regular service between Brazil and the United States about the latter part of August, took a cargo of coffee at 20 cents per bag, as compared with the price of 35 cents charged by the conference ships, the latter, of course, being subject to the rebate agreed upon, which is made at the end of the year, and is proportionate to the amount of coffee shipped. In addition to this cut in the market made by the Brazilian line, one of the largest shippers of coffee in Rio chartered a ship and furnished her total cargo the past week, making quite a cut in the cargoes expected for several conference ships. The result of the opposition to the ship combine is uncertain, but it seems to be generally agreed that the conference rate is too high.

Freights between the United States and Brazil are much higher than those obtaining in the rest of the world, the rate from New York to Rio de Janeiro being about twice what the rate is from Hongkong to New York. American exporters are vitally interested in this matter, for even assuming that the rates from Europe to Brazil and from the United States to Brazil are practically the same—a fact which is not yet established—it is yet to be noted that the high freight rates shut American exporters out of markets which otherwise they might have. Low freight rates, for instance, would enable American millers to ship American flour to ports in Brazil far south of their present limit. Freight rates from New York to Brazil similar to those obtaining between New York and the Far East would mean largely increased sales of American flour. What is true of flour is true of other things. The rebate system adopted by the shipping combine also works directly and materially against small shippers, among the latter being most American exporters selling to the Brazilian trade.

The effect of this European ship trust or combine on American commerce is thus stated by Special Agent Hutchinson, of the Department of Commerce and Labor, in reports published in 1906:

There is no direct passenger service to Chile or the River Plata from the United States. Passengers from New York, for example, wishing to get to Buenos Aires, must either take passage to Rio de Janeiro and there transship to one of the European lines touching at that port en route to the South, or they must cross the Atlantic and transship in some European port to a steamer sailing to Buenos Aires. If they wish to get to Chile, they may go via the Isthmus of Panama, suffering the inconvenience of transfer to the Panama Railroad and to one of the west coast steamship lines, or they may go to Rio de Janeiro or Montevideo and there transship to a steamer of the Pacific Steam Navigation Co.'s line running through the Straits of Valparaiso, or they may go to Liverpool or Hamburg and there take steamer direct to Valparaiso. The passenger from Europe, on the other hand, wishing to go to the River Plata, has the choice of half a dozen first-class lines and several inferior ones. If his destination is Valparaiso, he has at least two direct lines.

The leading factor in this European ship combine seems to be Herr Ballin, of Hamburg, head of the Hamburg-American Co. Lloyd's Shipping Gazette Weekly Summary of February 21, 1908, said:

Our Hamburg correspondent, under date of February 15, 1908, writes as follows:

"Through the agency of Herr Ballin the rate war which began about a year ago in the trade between North America and Brazil has been adjusted. The contending parties were the Hamburg-South American Co. and the Hamburg-American Line on the one side, and Messrs. Lamport & Holt and the Prince Line on the other side. The companies concerned in this trade have now formed a community of interests, which will last for several years. It is stated that the demands of the German companies during the negotiations were fully acknowledged and granted."

Our Liverpool correspondent, telegraphing on Monday, said:

"An agreement has been come to between Messrs. Lamport & Holt and the Hamburg-American Line and the Hamburg-South American Co.,

ending the rate war in the coffee trade between Brazilian ports and the United States and Hamburg. The agreement is a mutually satisfactory one and covers the working agreements in both trades.

The American minister in Ecuador reports:

I was informed very recently by a prominent merchant here that he would like to deal with New York, but that the freight rates from that city on some of his purchases were fivefold greater when received at Guayaquil than like freight from Hamburg, which was a practical prohibition on American trade.

A few weeks after this meeting of the European ship combine, over which Herr Ballin presided, a general advance in freight rates were ordered by the European Ship Trust magnates on American provisions and other goods exported to South America. An American merchant engaged in the export trade from New York, in a letter of March 4, 1908, said:

The Lamport & Holt, Prince, and German Lines are in combination. Before the late agreement the rate on cotton-seed oil had been as low as 9 cents a foot to Rio and Santos. It is now 16 cents to Rio de Janeiro and 14 cents to Santos.

Lard was 19 cents in kegs, 10 cents in cases a foot; now 30 cents a keg to Rio; 30 cents a keg to Santos; 20 cents a case to Rio; 20 cents a case to Santos.

Bacon and other special lines were advanced in proportion. General merchandise is now ruling from 24 to 27 cents a foot. There was no very great cut on general merchandise, but before the late settlement figures ruled about 10 per cent less. These rates are net—no primage. The Lloyd Brazileiro quotes about 10 per cent less, and net rates. At present the three lines, the Lamport & Holt, Prince, and the German Line, who are in the combination, do not penalize anyone who may ship by the independent lines, but there is no question that they will try to do so as soon as possible, as was done before.

I now quote from pages 643, 644, and 647 of the hearings before a select committee of the House of Representatives to investigate certain charges under House resolution 543. Mr. Worthington, counsel for the Merchant Marine League, addressing a witness, said:

Mr. WORTHINGTON (counsel for the Merchant Marine League). You do not understand my question. In fixing freight rates, you have a representative in South America on one side, and the steamship company has a representative on the other. I want to know with whom, representing the steamship companies, you make your arrangements?

Mr. JOSEPH PURCELL (of Hard & Rand, New York coffee merchants). With Mr. Cook, of Lamport & Holt.

Mr. WORTHINGTON. Is he a member of that firm or a clerk?

Mr. PURCELL. He is a member of the firm.

Mr. WORTHINGTON. Do you make your contracts in writing from time to time?

Mr. PURCELL. Yes; in writing.

Mr. WORTHINGTON. Do you have any arrangement with them by which you agree to give them all your freights of that character?

Mr. PURCELL. We do; we are supporters of the syndicated lines.

Mr. WORTHINGTON. What do you mean by the "syndicated lines?"

Mr. PURCELL. Lamport & Holt, the Hamburg-American, the Hamburg South American, the Prince Line; there are four or five lines in it, but we do all our dealing with Lamport & Holt.

Mr. WORTHINGTON. What do you mean by saying that you are a "supporter" of those lines?

Mr. PURCELL. We do not ship by any other line.

Mr. WORTHINGTON. You agree not to ship by any other line?

Mr. PURCELL. Yes.

Mr. WORTHINGTON. Do you get any compensation for that?

Mr. PURCELL. Yes; the same as the smaller shipper.

Mr. WORTHINGTON. What is that?

Mr. PURCELL. A 10 per cent rebate.

Mr. WORTHINGTON. And do you get that 10 per cent rebate at the end of the year?

Mr. PURCELL. No; perhaps at the end of 15 or 18 months.

Mr. WORTHINGTON. You get a 10 per cent rebate?

Mr. PURCELL. If we are supporters for a year.

Mr. WORTHINGTON. That is, if you adhere to your part of the contract, and do not ship by any other line of vessels?

Mr. PURCELL. That is right.

Mr. WORTHINGTON. Do you understand that that is the general way in which the trade is carried on?

Mr. PURCELL. Yes.

Mr. WORTHINGTON. By other shippers and importers of coffee?

Mr. PURCELL. Yes; if they ship by any other line they are not supporters and they get no rebate.

Mr. WORTHINGTON. How long has this been going on?

Mr. PURCELL. It has been going on for some time.

Mr. WORTHINGTON. I mean after you have consulted among yourselves, who in behalf of your firm deals with the shipping syndicate to make rates?

Mr. PURCELL. Mr. Cook when he comes to New York comes in and we all talk to him.

Mr. WORTHINGTON. Who is Mr. Cook?

Mr. PURCELL. He is a member of the firm of Lamport & Holt, and is the gentleman with whom we make our freight arrangements. * * *

Mr. WORTHINGTON. Is Mr. Cook in New York?

Mr. PURCELL. No; he lives in Liverpool, I think.

Mr. WORTHINGTON. About how often does he come over here to fix these matters up?

Mr. PURCELL. I have known him to come to New York twice a year. I do not know that I have known him to come oftener than that.

Mr. WORTHINGTON. Is he an American or an Englishman?

Mr. PURCELL. He is an Englishman.

These extracts from the official report of the House committee hearings show how this European steamship combination has the power to fix the freight rates as may best serve European interests on American manufactured goods and foodstuffs exported to South America. Having the power to fix the freight rates, these European trusts have the power to fix the prices at which these goods shall be sold.

I bring it down now to the commercial route covered by this bill. It proves that that combination discriminates against American merchants, American importers, and American exporters. It shows that they get rebates, if they support a syndicated line; in other words, here we have a trust, a combination, which violates every provision of law that we have put on the statute books in regard to similar combinations within the United States, and which violates every provision that we have embodied in the law in regard to the transportation of freight over our railroads. This steamship combine is giving rebates; it is favoring certain shippers; it is indulging in all the practices that have been familiar in this country and which we have reformed away as a great evil.

People seem to be filled with indignation—and quite rightly—against domestic combinations to control transportation and artificially raise prices. We pass all sorts of legislation to stop such practices in our own country, but the minute they are followed by foreign combinations nobody seems to mind. We object to our own railroads granting rebates, but a number of foreign steamship lines get together and make rebates and nobody seems to care. A lot of steamship lines get together and syndicate themselves and artificially put up the price of everything that is imported into or exported from this country by the countries to which those lines run, but nobody seems to mind. And when we make an effort to stop this by inducing American competition, which can only be brought about by giving to some of our steamship lines the assistance that all the steamship lines of all other great commercial countries get, there is great opposition to giving help from the Government to a special industry.

You never will build up any American lines if you do not at least give them mail subsidy, and the result of not doing so is that you are not only paying millions a year that you might pay to your own people, but millions a year more than other nations are paying, because we sit down with indifference and allow ourselves to be discriminated against and victimized by these foreign steamship combinations. It is their powerful influence that is felt always against every attempt that is made to help American shipping.

The pending bill tries only to help the American merchant marine in one direction, and that is with our immediate neighbors on this same hemisphere. It is a very moderate bill, and, indeed, it offers the only method by which we shall ever free ourselves from the domination of these foreign syndicated lines. It means additional business and additional commerce for this country; it means putting hundreds of thousands of dollars from these lines alone into the pockets of American producers which now go into the pockets of foreigners. More than that, it is a national protection and a national help to build up steamship lines, which will be the best resource we can have if we should ever have to call upon them in time of war or stress.

Mr. BACON. Mr. President, before the Senator concludes I should like, with his permission, to ask him a question.

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. BACON. I want to say to the Senator from Massachusetts that, in propounding the question, I do not do so in any controversial spirit, but for the purpose of ascertaining what would be his attitude in regard to it, an attitude which possibly would reflect the views of others. I did not interrogate the Senator at the time he made allusion to the matter that I speak of, because I did not wish unduly to interrupt him in the course of his argument. The Senator alluded to the earliest legislation after the formation of our Government with reference to the preference given to American ships. Of course the Senator alluded to that early act which gave a preference to our own ships in the matter of imports, giving a reduced rate of impost duty upon articles imported in American bottoms. I wanted to ask the Senator, in the spirit that I spoke of when I first addressed him through the Senate, whether, if the conventions which we have with other governments could be properly arranged for that purpose, he would favor a law such as that which was originally passed by our Congress in its first session, I think it was, or at least in the first Congress? Was it not in the first session of the first Congress that that law was enacted?

Mr. LODGE. Yes; and it was renewed in the tariff act of 1816.

Mr. BACON. Yes. I simply wanted to know whether or not the Senator would be willing to favor such a law, if it could be enacted after proper arrangements with other countries with which we now have treaties.

Mr. LODGE. Mr. President, when I first took up this subject my own prejudice and my own sentiment, if you please, were very strongly in favor of the early method of giving that preference to American ships by a lower rate of duty on imports; but I was a member of the Merchant Marine Commission appointed by Congress some years ago, which held hearings in different parts of the country and went into this subject very thoroughly, and I became convinced—though much against my will, I confess—that that method was impracticable.

In the first place, it would be enormously expensive. With the growth of our trade at the present time, a reduction of 10 per cent on our imports brought in American ships—I am assuming now that all the imports would be brought in American ships, which, of course, would not be the case—but supposing half of them were so brought in, it would amount to a loss of revenue of $20,000,000 a year. In the second place, the testimony of all those most expert in the subject was uniform that, owing to the difference in the original cost of a ship and the difference in wages, the old rate of 10 per cent would not be sufficient and would not be as valuable to them or as effective as a mail subsidy. Lastly—and this is a very serious point indeed—the great proportion of our imports, especially of our imports from South America, with which we are now dealing, is made up of articles large in bulk, which are on the free list.

The Senator from New Hampshire [Mr. GALLINGER] suggests to me that 92 per cent of the imports over the lines of which I have been speaking are on the free list. So that, in order to give a preference in that trade, there would have to be imposed a 10 per cent duty, because, of course, we could make no discrimination by lowering a duty where there was none. Such a course would result in imposing a very heavy duty—perhaps not a heavy duty, but imposing a duty on articles of general consumption upon which it is not the policy of this country to impose a duty; in fact, if we made a law of that sort, it would have to be general, of course, as the Senator knows, and applied to all countries equally; we should have to put duties on an immense number of articles which are now upon the free list and which, in my opinion, ought to remain on the free list, in order to give the necessary discrimination. And for those reasons I was convinced, as I say, much against my will, that the original system would not work under present conditions, and that the system adopted by England, and which she maintained through all the free-trade period, of a mail subsidy to ships carrying mail, was on the whole the best way of reaching the desired object. I have given an answer to the Senator at some length, but I wanted to tell him very frankly how my own mind had worked on the subject.

Mr. BACON. I appreciate the reasons given by the Senator. I think, though, there is one of them which, upon examination—at least it occurs to me upon such reflection as I have been able to give it while he has been addressing the Senate—he will find is not an entirely unanswerable one, and that is with regard to the effect upon the importation of articles now upon the free list. Of course, if such a law would operate to the great encouragement of steamship building and steamship operation, the influence would be general upon the business, and a company engaged in the running of steamships—one of these large companies which run steamships not simply between two ports but between a number of ports—would benefit not only in the immediate direct returns from the carriage of goods between ports where the free list was not so predominant but also from the general benefit to its business.

Take, for instance, the North German Lloyd Line, which runs its steamships not simply between Bremen and New York, but between almost all important ports of the world. If the influence of this changed law, which would give a preference to American bottoms, should result in the building up of large steamship lines, there would be the general result in the operation of these lines, and not a result limited to the simple carriage of goods upon which the duty had been reduced by reason of their being imported in American bottoms.

I desire to say to the Senator that I am disappointed to know that there has been a change in his views upon that subject, and that I am encouraged to think that possibly they may not be such as will entirely deter him from giving his support to a measure of this kind. I, myself, would be very glad to see a law of that kind. I should be glad to see it for more reasons than one. It may be that the amount, 10 per cent, which I believe was more than the amount in the original law passed in the First Congress, may not be sufficient. If so, a larger amount could be provided for which would be sufficient.

I do not think, Mr. President, that the advantage of shipping under the American flag is purely a question of sentiment, purely a question of pride in seeing the American flag on the ocean. I do not depreciate the importance of that. But that is not the main question. The question is, What is the advantage to the people in a practical way? and I think that a law of that kind, if based upon a proper reduction of percentage, would not only build up American shipping, but be a very great advantage to the American people in the fact that it would to that extent lower the tariff and allow in consequence our people to receive their goods at a less rate than they are now compelled to pay.

I do not desire, however, to detain the Senate with anything like a controversy on that subject. I was really curious to know, as the Senator from Massachusetts had alluded to that law, what was his view in regard to it.

Mr. LODGE. I think it highly probable that if we were to impose a preferential duty, or, I should more properly say, a preferential reduction of duty, on goods brought in American bottoms it would work out in the way the Senator from Georgia suggests, although it would leave all that great business which is connected with the goods that come in on the free list just where it is now. But if it built up American lines, I have no doubt it would in some degree have the effect the Senator suggests.

But in the particular trade we are now trying to build up—the South American trade—a discriminating reduction of duty would be of no value. One great objection to that plan is that it is of enormous cost to the Government and of comparatively slight advantage to the shipper, compared to the advantage of a direct subsidy, unless you made the reduction very much larger than anybody would think of doing.

Mr. BACON. If the Senator from Massachusetts will permit, I desire to make another suggestion in that connection, in response to his suggestion that the preferential duty would result in large loss of revenue.

I do not think that is a necessary consequence, by any means. We know the fact that there are certain limits within which a reduction increases revenue, and there are other limits in which an increase of duties decreases revenue. Whether those limits would be such as would be influential in this particular case, I can not now stop either to discuss or to consider myself. But I think that is not a matter free from very great doubt—whether the reduction upon imports in American bottoms would result in a decrease in revenue. It might result in an increase in revenue.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Michigan?

Mr. LODGE. Yes.

Mr. SMITH of Michigan. I have been very greatly interested in what the Senator from Massachusetts has had to say about the rehabilitation of our merchant marine by discriminating customs duties, and I was especially struck with what he said regarding the South American situation in this regard.

I should like to ask the Senator from Massachusetts whether, if our export trade with South America were as prosperous as it is with Europe, it would change his view as to the desirability of a discriminating tariff duty to revive our decadent shipping.

Mr. LODGE. I do not precisely understand the Senator.

Mr. SMITH of Michigan. In other words, our trade with South America is very much limited.

Mr. LODGE. Our exports.

Mr. SMITH of Michigan. Our export trade is very much limited.

Mr. LODGE. Our imports are very large.

Mr. SMITH of Michigan. Our imports are very large, but our exports are small.

Mr. LODGE. That is right.

Mr. SMITH of Michigan. I have an idea that our export trade with South America has been limited because of the failure to have American banking facilities there or because of their failure to comprehend our methods of exchange; and I have noted with a great deal of anxiety the enterprise that has been shown by Germany in establishing banks in almost all the leading cities of South America as an effective agency for increasing her trade with those people.

Mr. LODGE. There is no question that the Senator is perfectly right as to the loss which we incur from a total absence of international banking facilities and the gain that Germany and other countries have there from having those international banking facilities.

Some years ago I introduced a bill with a view of establishing an international bank to do business in South America, and it met with the usual fate of bills out of which it is suspected that somebody may make money; and we certainly need such facilities very much indeed. But that is only one element. The fact that we have no direct steamship connection is another and a very powerful one.

Some years ago I had a letter from our consul at Malta, and he described to me the rapid growth of American trade in those islands—of course a small matter—but the rapid growth of American trade, owing to the opening of lines, not American lines, but lines coming from America through the Mediterranean, with which we are all familiar, which brought business there. American business sprung up there which had never existed before. Wherever we can get good direct communication, business will begin to grow up and our people will begin to get in and compete.

Mr. SMITH of Michigan. The condition of our export trade with South America is rather deplorable. I think we are all agreed upon that point. The reasons for it are various, including the lack of familiarity with our methods of exchange and banking facilities.

What I particularly desired to ask the Senator from Massachusetts was this, whether he would have the same objection to discriminating tariff duties in favor of American bottoms if our exports to South America were as large in proportion as they are to Europe.

Mr. LODGE. Oh, yes. My objection to the discriminating duty, which, of course, would have to be universal, applies to the whole system. I do not think that now, unless we made a reduction too large for anyone to assent to, that we could give them the same encouragement that we could through subsidies, and I think it would be enormously expensive to the Government. In proportion to the size of our imports, the expense would increase. I think we should expend $10,000,000 where we can do the same thing for $1,000,000 by a subsidy. I do not see any escape for it.

Mr. GALLINGER. Mr. President, the Senator from New York [Mr. ROOT], the Senator from Indiana [Mr. SHIVELY], and the Senator from Missouri [Mr. STONE] have all signified their readiness to proceed with the consideration of this bill, but neither one of them is ready to go on to-day. I therefore ask that it may temporarily be laid aside.

Mr. STONE. I will ask the Senator if it is his purpose to call up the bill at 2 o'clock to-morrow.

Mr. GALLINGER. Yes; to-morrow.

Mr. STONE. I will say that I will proceed at that time if it is agreeable to others who wish to be heard. I am in no hurry at all.

Mr. GALLINGER. Personally, I am in something of a hurry to get a vote on this bill; not an undue haste. I have been patient. It has been here since the last session, and I am very strongly in hopes that we may vote on it by the end of this week unless something unexpected occurs. I wish to accommodate Senators to the fullest possible extent, and I think the Senator will have an opportunity to-morrow very likely to address himself to the bill.

Mr. STONE. Then, I shall say to-morrow what I have to in reference to the bill.

Mr. GALLINGER. I ask that the bill now be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the bill will temporarily be laid aside.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I ask the Senate to resume the consideration of the Indian appropriation bill.

By unanimous consent the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912.

Mr. CLAPP. There are several Senators who I know wanted to be advised when the bill was taken up, and I know of no better way perhaps of advising them of the fact than to suggest the want of a quorum.

The PRESIDING OFFICER. The Senator from Minnesota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	Johnston	Richardson
Brandegee	Cullom	Jones	Scott
Briggs	Cummins	McCumber	Simmons
Bristow	Curtis	Martin	Smith, Mich.
Brown	Davis	Nelson	Smoot
Burkett	Depew	Oliver	Taliaferro
Burnham	du Pont	Overman	Terrell
Burrows	Flint	Owen	Thornton
Burton	Foster	Page	Warner
Carter	Gallinger	Penrose	Warren
Chamberlain	Gore	Percy	Wetmore
Clapp	Guggenheim	Perkins	
Crane	Heyburn	Piles	

The VICE PRESIDENT. Fifty Senators have answered to their names. A quorum of the Senate is present.

Mr. McCUMBER. Mr. President, at the time when we laid aside the bill the Senate had before it the matter of the point of order that was raised by the Senator from Kansas [Mr. CURTIS] to one of the provisions of the bill which had been inserted by the committee; and it is upon the point of order that I desire to direct the few remarks I shall make at this time.

I take the position that the point of order raised by the Senator from Kansas, supported a year ago or two years ago by the Senator from Massachusetts [Mr. LODGE], is not well taken. If it is well taken, then the greater portion of the bill which is before the Senate is improper and subject to the point of order raised by the Senator from Kansas.

I especially call the attention of the Chair and of the Senate to the fact that the great portion of the body of this bill is made up of items which grow out of an agreement or treaty made with the Indians, exactly the same as this item, and therefore if this item is incorrect, then many of the other items are equally improper and incorrect.

For instance, I wish to call the Chair's attention to the item on page 27, line 14:

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity—

And so forth, a certain sum.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. I yield.

Mr. CURTIS. That is an appropriation made by the House committee carrying out a treaty which provides for an annual appropriation, is it not?

Mr. McCUMBER. Would it make any difference if it was introduced by the Senate instead of the House, and would it make any difference whether it carried one appropriation or an annual annuity? Is that the measure by which we are to determine whether or not it is legitimate and material to go upon this bill?

Mr. President, it is somewhat necessary to go into the history of this particular item in order to determine whether or not it is a legitimate matter to be attached to this bill. I do not concede for a single moment that in this appropriation bill the House has any greater authority than the Senate committee in attaching any particular matter. But if the House has the right to put into this bill a provision for the payment of any annuity or any sum under and by virtue of any agreement with any tribe of Indians, it follows that the Senate committee has exactly the same power to attach, when it reaches that committee, another annuity or provision that is due by virtue of an agreement entered into with the Indians. There is no distinguishing in character the items that are already in the bill under the head of annuities or treaties and the item that is in this bill.

Going back a little way in the history of this country we find that in 1866, directly after the close of the great Civil War, claim was made by the loyal Creeks who assisted the Union cause in that conflict for great losses incurred by them, amounting, I believe, in their claim to something more than $5,000,000. Congress took cognizance of this claim, and they appointed commissioners. These commissioners were Gen. Hazen and Capt. Field, and were appointed by the President under a resolution or law of Congress to determine the amount of the claim of the loyal Creeks against the Government of the United States.

This commission proceeded to the loyal Creek territory, investigated the matter for several months, and made their award, not of $5,000,000, the amount of the claim, but of $1,836,430.41. It is evident from the figures reported by them that they carefully considered, item by item, every matter of claim that was presented to them, and that they eliminated from their consideration any claim that was not properly proven to be correct and a just claim, and made their findings accordingly.

Then following this the Government recognized that treaty; and let us remember, Mr. President, that it was then at that time denominated a treaty; and whether at this time called an agreement or a treaty, it has the same force and effect as all other agreements and treaties made with the Indians of any section of the country.

The Government then recognized the report, and very shortly after they contributed $100,000 in payment of the $1,836,000 so awarded. Then the matter rested for a few years, and I certainly do not think it lost any of its character as an honest claim against the Government, because the Government itself has failed to fulfill its treaty or agreement obligations. But on the 1st day of March, on further agitation, we entered into

another agreement with the same Creek Indians. This agreement is the same, I repeat, as the original treaty, and was a modification of it. This was made by the Dawes Commission and provided that the claim was to be—and here I quote the language of the law—"submitted to the Senate of the United States for determination." Not to Congress for determination, but submitted to the Senate of the United States for determination, the Senate acting as a court of arbitration.

The act further provided that whatever sum was awarded—I call the Chair's attention to the fact that the word "award" is used and not "appropriated"—"provision shall be made for immediate payment of same," clearly intending that the Senate should sit as a court of arbitration, fix the award that should be paid to these Indians, and that Congress should immediately proceed to appropriate the necessary sum for the payment of the claim.

On June 23, 1902, the very next year after this law was passed by Congress, a memorial was presented by the Creek Nation to the United States Senate, asking the Senate to take cognizance of their agreement and proceed to make the award.

Now, what did the Senate do on that? The Senate referred that to the Committee on Indian Affairs for the report of that committee. For what purpose? For the purpose of determining what the award should be that should be granted to these Indians pursuant to their request that the Senate proceed under the previous law to make its award.

Now, what did the Senate committee do? On February 6, 1903, after a full hearing by the Senate committee it reported in favor of the Senate allowing as an award the sum of $1,200,000; in other words, it cut down the original agreement which the Government of the United States was legally and morally bound to pay to the Indians from nearly $2,000,000 to $1,200,000.

I want the President of the Senate to recognize the fact that the Senate was acting as a court and not acting in its capacity as a legislature in making this award. This is what the committee reports, and upon which the Senate acted, and when the Senate acted upon the committee's report it is presumed that it acted in accordance with the things that were reported by the committee and adopted the view the committee adopted, namely, that it was acting in the capacity of an arbitration court rather than in the capacity of one of the branches of the National Legislature. This is the language of the committee on reporting the matter back to the Senate:

> In pursuance of provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians * * * approved March 1, 1904, there is hereby—
>
> Not appropriated, but there is hereby—
>
> awarded as a final determination thereof on the so-called "loyal Creek claims" named in said section 25 the sum of $1,200,000.

When the Senate had acted so far in these premises, Mr. President, it had acted as a court of arbitration and not as a branch of the National Legislature.

So no single Member of the Senate could by any possibility misunderstand the attitude in which the Senate was placed by its vote upon this proposition. The attention of the Senate was called to the fact that the matter was presented as an award.

Right here I desire to call attention to the exact language that was used in presenting and bringing the matter before the Senate. Here is the statement that was made by Senator Quarles on behalf of the Committee on Indian Affairs in presenting this matter:

> It has occurred to me, sir, that the Senate ought to be advised as to the nature of this amendment, and that it ought not to be passed, coming as it does solely from the committee, leaving the Senate entirely in ignorance of the fact that in regard to this amendment it is sitting as a court of arbitration and is not engaged in the ordinary method of legislation.
>
> Now, I rise to lay the facts before the Senate. This is a provision which arises out of the agreement made with the Creek Nation in 1891, whereby it is provided that the Senate shall, within two years, sit in the capacity of a court of arbitration and decide upon this claim, which arises from several treaties made by this Government with the Creek Nation.

When he declared that this claim arose out of several of these treaties he stated it correctly. Then he proceeded:

> The determination of the Senate upon this proposition will amount to an award, upon which an action will lie quite independent of the fact of this provision in the other House of Congress.

So, Mr. President, the Senate anticipated that the House might possibly differ with the Senate upon the matter of the amount that was to be awarded, but that whatever different view the House might take upon the subject the status of the parties, the Government and the Indians, would be fixed by the vote of the Senate of the United States upon that proposition.

The House amended the bill and inserted $600,000, or just one-half of the amount that was awarded by the Senate; and it is claimed——

Mr. CURTIS. Mr. President——

Mr. McCUMBER. I will yield in a second. It is claimed that by reason of that, the Senate, in agreeing to the amendment itself, had really adopted a different standard, and that the Indians were bound by the reconsideration given by the Senate of the United States. Now I yield to the Senator from Kansas.

Mr. CURTIS. I want to correct the Senator's statement. The amendment was made by conferees on the part of the Senate and the House and not by the House.

Mr. McCUMBER. The result would be the same, because the question is whether, with an account stated, a liability, moral and legal, was imposed upon the Government the moment the Senate by a preponderance of its vote declared in favor of the $1,200,000 claim.

Now, there is another reason that enters into this than the mere bare legal proposition. Mr. President, for several hundred years we have been trying to civilize the Indian. We have been trying to make a white man out of him. We have not succeeded very well in doing it, but we have succeeded to some extent in impressing upon him the fact that the white man's civilization can not be depended upon to carry into effect any legal or moral obligation between the Government and any of the Indian tribes. We are teaching him morality, and one of the most effective methods of teaching these uncivilized people the ideas of morality I should think would be to show that we were governed by the same principles in our treatment of the Indians.

We made a solemn obligation, first, that we would pay them $1,862,000. We abandoned that. We neglected to make the payment, except the meager sum of $100,000. Then they, the wards of the Government of the United States, and we, occupying a fiduciary relation with the wards of the United States—we immediately turned around to our ward and said, "Although you have a legal obligation against us, although you have a moral obligation against us, we will not recognize either the legality or the morality of it and will ask you to come in and treat again with the guardian of the ward." We did that, and they came in and treated again with us. This time we cut the provisions down from $1,886,000 to the sum of $1,200,000, under an agreement that our vote upon that proposition should finally settle the whole question with this Indian tribe. Immediately after that the House, which had nothing whatever to do except in the matter of appropriating the money, cut down not the legal obligation but cut down the appropriation. That affected not in the slightest degree the force and the validity of the award, but it only affected the amount the Government of the United States would pay at that time under the award.

Mr. President, it was provided also in that law, and the amendment adopted by the committee, I will say, rather than by the House, that the amount accepted by the Indian should absolutely estop him from making any further legal or moral claims against the United States. I want the Senate once more to look at this matter straight in the face and to consider the relation between the parties to this contract, and see what a dishonorable position it is placing the Government of the United States in in refusing to make the proper appropriation.

This bill itself carries with it the implication, an implication which the courts themselves have sustained so far, that these Indians are still wards of the Government. While occupying that position, and assuming therefore that the Government is the guardian of the Indian, it makes an agreement with the Indians and then fails to carry that agreement into effect. It makes another agreement with the Indian, the ward, and fails to carry that into effect, reducing the original claim considerably. It makes a third agreement with the Indian, and then repudiates the whole thing by cutting the matter in two and further saying to the Indian, the ward of the Government, "We will force out of you a recognition that you have not any further claim, or you can not get the money that we do appropriate."

Mr. President, suppose for a single moment that any such thing should be attempted between white men or between the civilized nations of the world. Suppose that one party to a claim should say to the other, "Here is an account stated. We have agreed to it. It is a legal obligation between us. But in order that you shall have any of it you have got to consent and sign a receipt that you will be satisfied with half." Would any court in Christendom ever sustain a receipt of that character, and say that the receipt itself, which was without consideration, accepting less than a full amount, should be an estoppel against any further claim on the part of the other party? If it would not be enforced as between man and man, much less could we by any possibility ask that it should be enforced as between the guardian and the ward and against the ward of the Government. Yet that is exactly the position we are placed in in refusing to make the full award.

When did a legal obligation or a moral obligation, if you have a mind to put it in that way, arise by reason of the action of the Senate? Remember, Mr. President, that it was presented to the Senate as an award or as a submission to an award. Remember that the Senate declared openly that it considered it as an award. When that vote was cast and $1,200,000 allowed, was it not an award? Did the Indians agree that in fixing that award it should go any further than the Senate? Did the other party to the agreement contemplate when it submitted the question to the Senate of the United States that it would be taken from the Senate and go to the House and possibly be stricken out entirely and then be submitted to a conference between the House and the Senate? Mr. President, you can easily see, as any man can see, that no such intention was in the minds of either party to this contract and no such contention could possibly be made.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. Certainly.

Mr. BRANDEGEE. Did the House in any way attempt to take any legislative action in contravention of the so-called award of the Senate, or was it simply a failure to appropriate the money?

Mr. McCUMBER. The House, as I remember, disagreed to that part of the Senate amendment, and the matter went to conference, and the conferees fixed up a scheme whereby the Indian would get half of what the Senate awarded. That is what was done.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maine?

Mr. McCUMBER. Certainly.

Mr. HALE. Let me ask the Senator what his general proposition is upon this matter of the adjudication of Congress previously upon the amount paid on this claim. The orginal proposition was for $1,800,000. After consideration by both Houses some kind of an adjustment was made and $600,000 was awarded.

Mr. McCUMBER. Not in the same bill. That was an entirely different proposition, many years subsequently.

Mr. HALE. But that was the result. Now, it is claimed that, upon the original proposition of $1,800,000, $600,000 more shall be paid.

Mr. McCUMBER. The Senator was not present evidently during the entire discussion of this matter by me, in which I gave the history of the claim, and he seems to be confused as between the two propositions.

Mr. HALE. No; it is an old matter. Some of us have had it before us in the past.

Mr. McCUMBER. Then let me correct the Senator right here upon one proposition. The amount of $1,800,000 was agreed upon between the Senate of the United States, considering the matter as a treaty, and the Indians. At that time it did not go to the House. They simply agreed that in accepting and adopting a treaty with the Indians there was due from the United States to the Indians the sum of $1,800,000, in round numbers.

Mr. HALE. I have so stated. And $600,000 has been already paid.

Mr. McCUMBER. Not on that.

Mr. HALE. But substantially.

Mr. McCUMBER. The Senator must not now leave out the second step. We appropriated $100,000 to carry out that agreement some years ago. Then we failed to make any further appropriations and the whole matter was again submitted to arbitration by the Senate under a law passed by both Houses of Congress that it should be arbitrated by the Senate, and it allowed $1,200,000. The Senator knows the historical part of it.

Mr. HALE. There is no doubt about that. I am getting at the large features of this transaction. First, there was a claim of $1,800,000. Congress acted upon it, and after much contest adjusted it on the basis of $600,000, which has been paid. Now it is proposed to pay $600,000 more, and when that is paid I do not see any reason why at some other time we shall not be called upon to pay $600,000 more, making up the original $1,800,000.

Without going into the details and the obligations which Congress has finally to settle in these matters, what has occurred to me is the likelihood of this claim never ceasing until the original amount is paid, and that is $1,800,000. We discuss it; we hear the pros and cons; and Congress finally adjudicates that $600,000 is due, and it is accepted and paid. Then we are called upon for $600,000 more, and when that is paid we will be called upon for $600,000 additional to that.

The Senator says that we are coequals internationally with every civilized nation—that is not the way of doing business. But I have seen, Mr. President, many controversies internationally waged very earnestly upon the amount of claims; and it has been finally settled that when the matter has been adjudicated and passed upon, and one side is cut down and another side is put up, the first adjudication between nations settles it. We have had controversies with Great Britain where we had to give up and they had to give up, and we settled the basis of payment and it was accepted. Nobody ever thought afterwards of coming in for more. It is like anything else between man and man; between suitors; and the considerations that lead to the first adjudication have never been interfered with afterwards; it has been settled and disposed of.

I supposed this matter had been disposed of. This is an old settler. I had no doubt when we paid the $600,000 that that ended it, and we should not hear of it again. But we hear from it again, and if we pay $600,000 more we will have a claim afterwards for another $600,000, and it will never be settled unless the adjudication of Congress, accepted by the Indians, sometime or other is considered as a settlement.

Mr. McCUMBER. Mr. President, I do not think the Senator needs to worry a great deal about appropriations over and beyond what we agreed to pay to the Indian, unless the Government of the United States has fulfilled its obligation to pay the Indian what we conceded and agreed to be his just rights. Then we may meet the matter of any attempt to get more than what was agreed upon between the parties themselves.

Mr. HALE. I supposed the Senator would say that.

Mr. McCUMBER. It will naturally result.

Mr. HALE. That is the natural ground of the Senator. He gets from Congress what he can, and at the next Congress comes in for more. I think the Senate ought to consider this statement of the Senator, which is characteristic of him. He is entirely frank. Nobody need trouble himself about this matter. When the tribes have received all they claim and these claimants have received all they claim, then nobody will be disturbed.

Mr. McCUMBER. Why should not I, Mr. President? Can the Senator give any good reason why a party to whom the United States has justly engaged to pay an obligation should cease his efforts to secure from the United States action upon that obligation until he has reaped the benefit of it? Is not that the law between private individuals? Do we not govern ourselves by the same rule? I know of no creditor who ceases to dun his debtor until the debtor has either shown that he will pay or that he is unable to pay. When the Government of the United States is placed in the form of a debtor and for years has failed to fulfill its obligation I do not think it good argument to say that the creditor will press his claim until it has been paid and that Congress will be liable to have this question before it again and again.

I candidly believe, Mr. President, that Congress will have this bill before it until the great Government of the United States, the controller of the destiny of the Indian, shall pay its just obligations to the Indian. So I do not believe we may for one moment console ourselves with the idea that even by voting this out at the present time it will not come up in every succeeding Congress until the Government of the United States has purged itself of a dishonorable act with its own wards.

Now, Mr. President, I come directly to the rule itself which is said to be violated by the provisions of this act. Make a comparison of this with other items of the bill for the same purpose. You will observe that if this is obnoxious to the rule, then the other sections are equally obnoxious. The first proposition is that under subdivision 3 of Rule XVI it is general legislation. It is a provision which seeks to award payment of a certain sum of money acknowledged to be due from the Government of the United States to an individual, or to a tribe—general legislation. The very fact that there is attached to it some method of how the disbursement shall be made, some method as to how counsel fees shall be taken care of for service rendered in bringing this matter before Congress, would not affect the general proposition that it is specific legislation dealing with a specific matter. It is not like legislation binding everyone and affecting the interests of all the people of the United States. It is not like general pension legislation; it is not like tariff legislation, which must be general; it is not like the legislation contained in the criminal code of the country; but it is a simple proposition directed to a simple, specific subject, and if that can be construed into general legislation, then I confess I can not comprehend what special legislation does mean.

But, Mr. President, the second objection is that it provides for a private claim. This is not a private claim. It is carrying out the provisions of a treaty that affects a certain tribe of

Indians. It is not, under what we conceive to be private claims, like a private pension bill that affects only one person. It is a claim against the Government that is settled, and it has become by the action of the Senate of the United States an account stated.

But, Mr. President, even if it might be considered as a private claim the subject matter would be proper under the exception to that rule relating to private claims which reads as follows:

Unless it be to carry out the provisions of an existing law, or a treaty stipulation, which shall be cited on the face of the amendment.

Is this not a law carrying out a stipulation of a treaty or an agreement? The rule uses both terms. Does it not cite upon its face that it is carrying into effect an award made under and by virtue of a treaty stipulation? Therefore, even if it should be considered in the category of a private bill, it clearly falls within the exception.

I know it has been claimed in the discussion of this matter that it is nothing more nor less than ordinary legislation—I refer now to the action of the Senate upon this proposition—that it acted in its capacity as a part of the law-making body of the United States, and that it should be dealt with exactly the same as any other matter of legislation. Mr. President, I can not possibly concur in that view of the case, considering the historical matters which I have brought to the attention of the Senate. This matter is not one of ordinary legislation. How is the Senate to be called into working effectiveness upon a proposition of this kind unless the matter be presented in the shape of a joint resolution, a bill, or a concurrent resolution—either of the three methods? Therefore the only way that we could bring this matter before the Senate was upon a bill. I know of no law that will authorize or empower the President of the Senate to convene the Senate as a board of arbitration. Having no such power, the Senate must have assumed that this matter would come before it in the ordinary channels of a bill presented by one of its committees, and that is the only reasonable or logical or lawful way in which it could be brought before the Senate. The Senate has passed its award upon that. It created the obligation the moment it voted upon that proposition. It bound the Government to the payment, and morally bound it to the payment, of that obligation. Why? Because, Mr. President, the obligation did not alone grow out of the action of the Senate, independently of the other House, but the obligation grew out of a previous law of the United States which imposed upon the United States Senate the duty of acting in its capacity as arbitrator, rather than legislator, in the determination of this question.

Mr. President, I do not know that I have anything further to say upon the proposition. The moral obligation appeals to me very much indeed, and I feel that in a matter of this kind, where the honor of the Government of the United States is at stake in dealing with the wards of the Government, it ought to be settled by a vote of the Senate, and I certainly am inclined to feel that it is dangerous and improper to adopt a policy which will say that a bill originating in the other House may contain provisions for the payment or carrying into effect of some treaty stipulation, but if we attach a like provision in the Senate it is subject to the point of order either that it is new legislation or that it does not conform to the rule which prohibits the consideration of private claims on general appropriation bills.

Mr. OWEN. Mr. President, this is a case in which the loyal Creek Indians, who were then under the treaty protection of the United States, were despoiled of their property during the war, and, because of their loyalty to the United States, were overrun and driven out of the country occupied by them, the peaceable enjoyment of which was a treaty right, and at a time when the protection of the United States was expressly guaranteed to them.

Under the treaty of 1866, article 4, they were expressly guaranteed payment for the property they had lost. They presented claims under that treaty for property declared to be worth over $5,000,000. They were subjected to a rigid and hard rule requiring them to make definite, positive, and conclusive proof before Commissioners Hazen and Field, representing the authorities of the United States. These commissioners found property losses worth $1,836,000 to have been definitely ascertained and proven to be due to those people, and made their award accordingly. Instead of its being paid in accordance with the treaty provisions, it was neglected year after year from 1870 to 1902 until the United States desired some other considerations from the Creek people, to wit, the abandonment of tribal government and allotment of the tribal lands, whereupon it was agreed that this matter of the loyal Creek award of Hazen and Field might be submitted to the Senate of the United States and determined by the Senate sitting as a court of arbitration. It was so submitted; and the Senate of the United States determined as an award that this sum of $1,200,000 should be paid to those people. The Senate first submitted to the Indian Committee.

The report of the Indian Committee of the Senate came before the Senate proposing this finding of $1,200,000 due the loyal Creeks as an award. It was found by the Senate as an award; it was explained on the floor of the Senate that it was to be an award.

The question, therefore, now comes up whether that decision of the Senate, sitting as a court, and having determined this controversy as an award, shall be sustained by the Senate of the United States as a matter of good faith. Will the Senate keep faith with its own decision? That is the question on its merits.

It will not do to say that this adjudicated matter may go, then, for appropriation to the House of Representatives, and because the House of Representatives disagrees generally to all Senate amendments on the bill and thus sending the provision for payment to conference, that the conferees may determine not to pay the full amount of the Senate award or to change the Senate award or that the Senate can thus invalidate its own award by adopting this conference report. The Senate itself has no moral right to set aside the decision of the Senate once made merely because the House of Representatives refuses to appropriate the judgment. The Senate sat as a court. Its judgment was final and can not be set aside under pressure of the House conferees or for any similar reason.

Mr. OVERMAN. Mr. President, I desire to ask the Senator a question merely for information, as I desire to understand this matter.

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from North Carolina?

Mr. OWEN. Certainly.

Mr. OVERMAN. At the time that $600,000 was paid, the Senate being a party to it, why did they not pay the whole amount? Was the $600,000 the settlement of this claim, or how was it? I should like to know.

Mr. OWEN. The way in which that occurred was, after the Senate had awarded $1,200,000, the conferees of the House insisted on cutting the payment of the award down to $600,000, and thus both Houses were led to agree upon $600,000 as a final settlement. The contention of the loyal Creeks is that the Senate itself having made an award in pursuance of a treaty could not thereafter, at the instance of the House of Representatives, disregard the Senate's own judgment in favor of these people. The act of Congress is plain that the $600,000 was paid, and was declared should be paid, as a final settlement, and these people were required to give a receipt in full, notwithstanding they were entitled to twice the amount.

Of course, they come back demanding the full amount due them under the judgment and award of the Senate of the United States, and they will continue to come back until the Congress of the United States and the Senate of the United States discharge their just obligation to these people.

Mr. OVERMAN. Who signed the receipt for that sum?

Mr. OWEN. They signed it for themselves, under protest.

Mr. OVERMAN. Did they have reputable lawyers to represent them when they made the settlement with the Government?

Mr. OWEN. When they made the settlement they made it as individuals, each one signing for himself.

Mr. OVERMAN. Did they have counsel at the time?

Mr. OWEN. They had counsel as a general proposition, but each individual signed the receipt, and they signed it under a general protest.

That is the substance of the matter on its merits. It comes now to a question of whether or not this proposed amendment is relevant to a general appropriation bill. Under Rule XVI, I maintain that it is germane and that it is in order as an amendment to the Indian appropriation bill.

First, because under section 1 of Rule XVI this amendment was moved by a standing committee of the Senate, and is thus expressly authorized under Rule XVI and the general parliamentary law. In the second place, under the third paragraph of Rule XVI, I call attention to the fact that "all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate."

Under the first paragraph of Rule XVI this language, which has heretofore been invoked against this item, occurs:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation or act or resolution previously passed by the Senate during that session.

It is urged that the act of Congress appropriating the $600,000 is the final expression of the law, and therefore there is no existing law; that the treaty pro tanto is repealed by that act. The treaty stands unbroken unless the appropriation act was intended to repeal the treaty. I do not think that was the intention of the legislative body; but, if it were, there is another section of the first paragraph of Rule XVI which abundantly covers this case, to wit:

Or—

And I expressly call the attention of the President of the Senate to this language—

Or unless the same be moved by direction of a standing or select committee of the Senate.

This amendment is moved by a standing committee of the Senate. Under the third paragraph of Rule XVI all questions of relevancy shall be submitted to the Senate, and, therefore, under the rule itself the President of the Senate is not called upon to rule upon this proposal, but it must, under the rule, be submitted to the Senate.

It has been said heretofore that this was general legislation. The term "general legislation" comes within the scope of the language "general law." A general law is that which relates to the general public, to the people at large. This is a particular, local matter, relating to these particular claimants who came before the Senate seeking a judgment upon their claim, and the Senate decided in their favor as a court. It is a local, particular matter, not a matter of general legislation, and while I will not take the time of the Senate to read from the books as to the definition of the terms "general law" and "local law," the meaning of these words and phrases has been abundantly determined by the courts, and, with the permission of the Senate, I will insert the definitions in my remarks.

The definitions referred to are as follows:

LOCAL LEGISLATION.

"Legislation" to be "local," within the meaning of the Constitution, Article III, section 7, providing that the legislature may confer on the boards of supervisors of the several counties of the State such further powers of "local legislation" and administration as they should from time to time prescribe, must apply to and operate exclusively upon a portion of the territory of the State and upon the people living therein. If it applies to or operates upon persons or property beyond such locality, it is not local. It is not meant to say that the law, to be local, must be restricted in its operation to the persons, property, or rights which belong within the locality within which the law is intended to operate. Such a construction would make all laws relating to municipal corporations general, as they affect all persons within its limits, without regard to their permanent place of residence; but the law is not local that operates upon a subject in which the people at large are interested. (Healey *v.* Dudley, 5 Lans., 115, 120.)

GENERAL LAWS.

The term "general laws" is one which has been employed to designate different classes of laws. Examples of its various signification are given in Bouvier's Law Dictionary, where it is shown that its use is common with reference to the subject matter of statutes, as well as to the extent of territory over which statutes are intended to operate. There it is shown to be in use as the antithesis of "private," also of "local," and also of "special" statutes, and it is said that "in deciding whether or not a given law is general the purpose of the act and the objects on which it operates must be looked to." Legal writings abound with instances where enactments of the general lawmaking department are mentioned as general laws by way of distinguishing them from municipal laws. (Southern Express Co. *v.* City of Tuscaloosa, 31 South., 460, 461; 132 Ala., 326.)

A law may take its general nature either from its territorial comprehensiveness, or from the nature of its subject matter, or from both. A law may be of a general nature, notwithstanding its subject matter is of a local nature; its general nature being alone due to its territorial comprehensiveness. A law which is general by reason of its territorial comprehensiveness only can no more be limited in its operation territorially by a subsequent special law than one which is general in the nature of its subject matter. (Mathis *v.* Jones, 11 S. E., 1018, 1019; 84 Ga., 804.)

Constitution, Article XI, paragraph 6, declaring that cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, shall be subject to and controlled by general laws, does not mean the general laws the legislature is commanded to pass for the incorporation, organization, and classification in proportion to population of cities and towns, or amendments thereto, because it is by the Constitution left optional with cities and towns in existence when the Constitution was adopted to become organized under such general acts of incorporation or not, as they shall elect. It means such general laws as shall be passed by the legislature other than those for the incorporation, organization, and classification of cities and towns. (Thompson *v.* Ruggles, 11 Pac., 20, 26; 69 Cal., 465.)

AS RELATING TO ALL OF A CLASS.

The word "general" comes from "genus," and relates to a whole genus or kind; or, in other words, to a whole class or order. Hence, a law which affects a class of persons or things less than all may be a general law. (Brooks *v.* Hyde, 37 Cal., 366, 376.)

A statute which relates to persons or things as a class is a general law. (Clark *v.* Finley, 54 S. W., 343, 345; 93 Tex., 171; Ewing *v.* Hoblitzelle, 85 Mo., 64, 78; State ex rel. Maggard *v.* Pond, 93 Mo., 606, 641; 6 S. W., 469, 471 (citing State ex rel. Lionberger *v.* Tolle, 71 Mo., 645); State ex rel. Harris *v.* Herrmann, 75 Mo., 340, 353; Hamman *v.* Central Coal & Coke Co., 56 S. W., 1091, 1092; 156 Mo., 232 (quoting Lynch *v.* Murphy, 119 Mo., 163; 24 S. W., 774); Van Riper *v.* Parsons, 40 N. J. Law (11 Vroom), 1, 8; Sawyer *v.* Dooley, 32 Pac., 437, 440, 21 Nev., 390; Central R. R. Co. *v.* State Board of Assessors, 2 Atl., 789, 798; 48 N. J. Law (19 Vroom), 1, 57 Am. Rep., 516; Cox *v.* State, 7 Tex. App., 254, 289; 34 Am. Rep., 746; in re New York Elevated R. R. Co., 3 Abb. N. C., 401, 417, 422.)

The number of persons upon which the law shall have any direct effect may be very few, by reason of the subject to which it relates, but it must operate equally and uniformly upon all brought within the relations and circumstances for which it provides. A statute, in order to avoid a conflict with the prohibition against special legislation, must be general in its application to the class, and all of the class within like circumstances must come within its operation. (Daily Leader *v.* Cameron, 41 Pac., 635, 639, 3 Okl., 677; Gay *v.* Thomas, 46 Pac., 378, 586, 14 Utah, 383.)

A general act is one which has room within its terms to operate on all of a known class of things, present and prospective, and not merely on one particular thing or on a particular class of things existing at the time of its passage. (City of Topeka *v.* Gillett, 4 Pac., 800, 803, 32 Kan., 431.)

A general law is one framed in general terms, restricted to no locality, and operating equally upon all of a group of objects, which, having regard to the purposes of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves. (Trenton Iron Co. *v.* Yard, 42 N. J. Law (13 Vroom), 357, 363; Van Riper *v.* Parsons, 40 N. J. Law (11 Vroom), 123, 125, 29 Am. Rep., 210.)

A law is general when it applies equally to all persons embraced in a class founded upon some natural or extrinsic or constitutional distinction. It is not general or constitutional if it confers particular privileges or imposes peculiar disabilities or burdensome condition in the exercise of a common right upon a class of persons arbitrarily selected from the general body of those who stand in precisely the same relation to the subject of the law. (Robinson *v.* Southern Pacific Co., 38 Pac., 94, 98; 105 Cal., 526; 28 L. R. A., 773, citing city of Pasadena *v.* Stimson, 91 Cal., 238; 27 Pac., 604.)

General laws are those which relate to or bind all within the jurisdiction of the law-making power, limited as that power may be in its territorial operation or by constitutional restraints. A law applicable to all the counties of a class as made or authorized by the Constitution is neither a local nor a special law. If it applies to all the counties of a class authorized by the Constitution to be made, it is general law; and whether there may be few or many counties to which its provisions will apply is a matter of no consequence. (Cody *v.* Murphy, 26 Pac., 1081, 1082; 89 Cal., 522.)

While it is true that a law which applies to all of a class in a State is held to be a general law, it is equally true that one which applies to only a part of a class is a special law. Thus, in Dundee Mortgage & Investment Co. *v.* School District No. 1, of Multnomah County (19 Fed., 359), it was said that an act providing for the assessment of mortgages is so far a general act; it comprehends the genus. But an act providing for the assessment of all mortgages for a sum exceeding $500, or not payable within one year from the date of their execution, is special; it comprehends only a species of mortgage. Hence a statute relating to the taxation of railroads, which does not comprehend all, but only two county railroads, is not a general law. (People *v.* Central Pacific Co., 23 Pac., 303, 309; 83 Cal., 393.)

A statute for the assessment and collection of taxes which applies to all incorporated cities and towns in the State is a general, and not a special law within the meaning of the Constitution. (People *v.* Wallace, 70 Ill., 680, 681.)

A law embracing all cities or all townships is a general law within the meaning of the Constitution, because of their marked peculiarities. They are by common consent regarded distinct forms of municipal Government, and so constitute a class by themselves. (State *v.* City of Trenton, 42 N. J. Law (13 Vroom), 487.) But where an act authorizing township trustees to pay for macadamizing streets, etc., excepts from its operation certain townships, it is not a general law. (Dobbins *v.* Northampton Tp., 14 Atl., 587, 589; 50 N. J. Law, 496.)

AS RELATING TO ALL IN LIKE CIRCUMSTANCES.

A law is general and uniform if all persons in the same circumstances are treated alike. (D. H. Davis Coal Co. *v.* Polland, 62 N. E., 492–496; 158 Ind., 607.)

Laws are general and uniform not because they operate upon every person in the State, for they do not, but because every person that it brought within the relations and circumstances provided for is within the law. They are general and uniform in their operation upon all persons in the like situation, and the fact of their being general and uniform is not affected by the number of those within the scope of their operation. (Arms *v.* Ayer, 61 N. E., 851, 855; 192 Ill., 601; 58 L. R. A., 277; 85 Am. St. Rep., 357; McAnnich *v.* Mississippi & Missouri R. R. Co., 20 Iowa, 338; Iowa R. R. Land Co. *v.* Soper, 39 Iowa, 112, 116.)

A law is to be regarded as general only when its provisions apply to all objects of legislation distinguished alike by qualities and attributes which necessitate the legislation or to which the enactment has manifest relation. Such law must embrace all and exclude none whose conditions and wants render such legislation equally necessary or appropriate to them as a class. (Warner *v.* Hoagland, 51 N. J. Law (22 Vroom), 66, 68, 16 Atl., 166; Randolph *v.* Wood, 7 Atl., 286, 49 N. J. Law (20 Vroom), 85, on error, 15 Atl., 271, 275, 50 N. J. Law (21 Vroom), 175; Helfer *v.* Simon, 53 N. J. Law (24 Vroom), 550, 22 Atl., 120; Dexheimer *v.* City of Orange, 36 Atl., 706, 707, 60 N. J. Law, 111; Hoas *v.* O'Donnell, 37 Atl., 447, 449, 60 N. J. Law, 35.)

CHARACTER OF SUBJECT MATTER.

Without undertaking to discriminate nicely or define with precision it may be said that the character of a law as general or local depends on the character of its subject matter. If that be of a general nature existing throughout the State in every country, a subject matter in which all the citizens have a common interest * * * then the laws which relate to and regulate it are laws of a general nature, and by virtue of the prohibition referred to must have uniform operation throughout the State. (State *v.* Davis, 44 N. E., 511, 512, 55 Ohio St., 15, quoting Kelley *v.* State, 6 Ohio St., 269.)

A law framed in general terms, restricted to no locality and operating equally on all of a group of objects which, having regard to the purposes of legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves, is not a special or local law, but a general law. (Van Riper *v.* Parsons, 40 N. J. Law (11 Vroom), 123, 29 Am. Rep., 210.) To justify separate legislation for town or counties there must be something in the subject matter of the enactment to call for and necessitate such legislation. (In re Cleveland, 19 Atl., 17, 19, 52 N. J. Law (23 Vroom), 188, citing Hammer *v.* State, 44 N. J. Law (18 Vroom), 667.)

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maine?

Mr. OWEN. I do.

Mr. HALE. Mr. President, I have heard a great deal of debate and controversy upon the question of general legislation. It has never been accepted in the Senate, or, for that matter, in the other House, that because a provision covered by a proposed amendment applies to one particular subject it is not general legislation. Does any Senator doubt if upon an appropriation bill an amendment should be offered raising the salary of the President of the United States $25,000 or $10,000 or $1,000, that that would be general legislation, although it only applies to one officer of the Government and is distinctive in its application? There is very little legislation that applies to everybody, but where legislation is sought affecting general existing law, if it only applies to one person, it is general legislation. The Senator is wrong in his contention; he is wrong about it under the precedents established in the Senate; he is wrong about it on the logic of the case and upon all the precedents.

Mr. OWEN. Mr. President, these words and phrases have been defined by the courts in innumerable cases. It is hardly necessary for me to enter into a controversy with the large experience of the Senator from Maine as to what his understanding is. I agree with him that the particular instance referred to as to the Presidency would be general legislation, for it would affect an officer of the general public, and it would affect the general public of the United States in determining the compensation of one of their officers, his emoluments.

Mr. McCUMBER. May I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. Certainly.

Mr. McCUMBER. If the contention of the Senator from Maine [Mr. HALE] is correct, is not every item in this bill general legislation?

Mr. HALE. I do not know, Mr. President; quite likely. But that does not settle any question that actually arises. The fact that a bill is full of infirmities is not in any way an argument against an especial infirmity that is called to the attention of the Senate.

Mr. McCUMBER. I am not saying that the bill is filled with infirmities.

Mr. HALE. My illustration was taken from the presidential salary, but it is equally true about any salary. A change in the salary of the Vice President, the salary of the Secretary of State, or the salary of any subordinate as fixed by law involves general legislation.

Mr. OWEN. I agree with the Senator from Maine in that contention, because his proposal changes a general law covering salaries; but I insist that the payment of this judgment of the Senate in favor of the loyal Creeks is not general legislation in its true sense, but merely the payment of a sum due under a treaty and a compliance with the supreme law of the land.

Mr. McCUMBER. My position was, if the Senator will allow me, that, if the Senator's contention is correct, not that there are simply a number of matters in this bill that are general legislation, but that every item in the bill is equally general legislation, and therefore we could have no Indian appropriation bill.

Mr. HALE. That is all the more unfortunate for the bill.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. OWEN. I yield to the Senator from Minnesota.

Mr. CLAPP. I think the Senator from North Dakota [Mr. McCUMBER] might make the same application to any appropriation bill.

Mr. HALE. Not to this one alone.

Mr. CLAPP. No. If a mere matter of salary would be general legislation, I could not imagine any appropriation bill that would not be more or less general legislation.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Maine?

Mr. OWEN. I yield to the Senator from Maine.

Mr. HALE. Mr. President, I find time to read the appropriation bills especially and all the debates in the House. They are very instructive upon this question of general legislation. When in the House a provision is found in an appropriation bill that raises the salary or changes the compensation of any officer, however obscure or small, and the point of order is made that it is general legislation, whoever is the incumbent of the chair at the time rules it out. It is general legislation, although it applies to only one person, possibly a messenger, possibly a janitor, possibly a clerk, possibly an auditor, and so on; but it changes the general law that fixes these salaries. That it should be now invoked in the Senate that, because the subject matter relates to one person or one office or one distinctive proposition, it is not general legislation, is to me—I will not say strange, because I am getting used to everything—but it is new.

Mr. OWEN. Mr. President, I should like to ask the Senator from Maine a question. Would he regard a simple item of appropriation meeting a recognized obligation of the United States as general legislation?

Mr. HALE. Oh, that is a very large question, Mr. President. That depends upon the language of the law and what is the extent of the obligation. I may as well say here and now that we had better have an end of all controversy between the Senate and the House if the result of the controversy as to an amount due that is fixed in conference and accepted by both bodies is not final. If the proposition that is maintained here that after the Senate has adopted a certain proposition and is overruled in the adjustment between the two Houses, it is within the province of the Senate to insist on its original proposition—if that is true, Mr. President, we may as well have an end of all conferences. If a conference between the two Houses on a distinctive proposition is not to be a final settlement, then we may as well have no conferences.

Mr. OWEN. Mr. President, I should like to ask the Senator from Maine if he thinks an award of the Senate of the United States sitting as a court of arbitration can be properly set aside by the House of Representatives.

Mr. HALE. I think it undoubtedly can be set aside by conference between the two Houses. The Senate has no power to decide what amount shall be paid upon a certain claim. It is a coordinate branch, and when it is brought——

Mr. OVERMAN. I should like to know what is meant by the expression "the Senate sitting as a court of arbitration." I never heard of such a proceeding, and I should like to know what it means.

Mr. HALE. I do not know any more than does the Senator. I never heard of the Senate sitting as a court of arbitration. I have represented the Senate in a great many conferences, where I believed the Senate was right and the House was wrong. I have pointed out the force of the position of the Senate and have sat in that committee room in the corner of the Capitol until the morning sun shone in at the windows fighting for a proposition of the Senate; but finally, when the matter was adjusted in conference and the Senate gave way, I never supposed that after that I should say that the Senate as a court of arbitration had settled the matter and awarded that so much money should be paid, and because I was beaten in conference I would bring it up next time. I agree with the Senator from North Carolina [Mr. OVERMAN]. I do not know what the expression means. I never heard of the Senate sitting as a court of arbitration. It is a coordinate branch of the Government, and if conference reports are not to be considered as a finality we may as well have none of them.

Mr. OWEN. Mr. President, the term "the Senate sitting as a court of arbitration," of course, was a mere figure of speech and has no particular value, except to explain the point of view which I had in mind when I considered the contention of these people with the officials of the United States, their prayer to the authorities of the United States to pay them this money, and the authorities of the United States refusing to pay or to advise payment, the final agreement that the Senate should sit upon the controverted matter as a court, as an arbiter, and make an award. Congress agreed to that; both branches agreed to that—the House of Representatives agreed to it; the Senate agreed to it—the President of the United States agreed to it, in the Creek agreement ratified by the act of Congress in 1902, and then the Senate sat and gave the award. I ask the Senator from Maine whether he thinks it is honorable on the part of the Senate to recede from its own judgment and award?

Mr. HALE. Oh, Mr. President, I have already answered the Senator.

Mr. OWEN. I insist, Mr. President, that the amendment under the first section of Rule XVI is properly a part of this bill, because it has been moved by direction of a standing committee of the Senate, and I submit further that the question of relevancy shall be submitted to the Senate and decided.

Mr. HALE. It is not a question of relevancy in the least. That does not come in at all.

Mr. OWEN. Mr. President, I ask permission to have printed as a part of my remarks the report of the Committee on Indian Affairs on the bill (S. 3423) to pay the balance due the

loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The report referred to is as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 3423) to pay the balance due the loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903, report the same back without amendment and recommend its passage.

By the treaty of 1866 the United States agreed to investigate and determine the losses sustained by the loyal Creek Indians and freedmen during the Civil War and to pay the amount or amounts found due.

Article 4 of said treaty provides as follows:

"Immediately after ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each, in the following manner, to wit: A census of the Creeks shall be taken by the agent of the United States for said nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the Federal Army, loyal refugee Indians and freedmen, be made by him. The superintendent of Indian affairs for the southern superintendency and the agent of the United States for the Creek Nation shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians, and shall transmit to the Commissioner of Indian Affairs for his approval, and that of the Secretary of the Interior, their awards, together with the reasons therefor." (14 Stat., 787.)

In accordance with this treaty agreement, Gen. W. B. Hazen and Capt. F. A. Field, of the Regular Army, the latter having been detailed as union agent for the Five Civilized Tribes, were designated as commissioners to ascertain and determine the amount of such leases. This report was made with exhaustive care and will be found in detail in Exhibit 1 hereto. (S. Doc. No. 420, 57th Cong., 1st sess., p. 18.)

These awards amounted to $1,836,430.41. Prior to this award the Government made advance payment of $100,000 (16 Stats., p. 341), but no further payments were made, and on March 1, 1901, the United States entered into the following agreement with the Creek Indians.

Section 26 of that agreement reads as follows:

"All claims of whatsoever nature, including the 'loyal Creek claim,' under article 4 of the treaty of 1866, and the 'self-emigration claim,' under article 12 of the treaty of 1832, which the tribe or any individual thereof may have against the United States, or any other claim arising under the treaty of 1866, or any claim which the United States may have against said tribe, shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof; and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of same.

"Of these claims, the 'loyal Creek claim,' for what they suffered because of their loyalty to the United States Government during the Civil War, long delayed, is so urgent in its character that the parties to this agreement express the hope that it may receive consideration and be determined at the earliest practicable moment. (31 Stats., p. 869.)

Thus, as will be observed, the Senate was authorized to investigate and pass upon said claims, "or, in other words, to act as a board of arbitration."

The Senate of the United States on June 23, 1902 (Exhibit 1, S. Doc. No. 420, 57th Cong., 1st sess.), referred to the Committee on Indian Affairs the memorial of Isparhechar, ex-chief of Muskogee (Creek) Nation, for himself as loyal Creek claimant, and as attorney in fact for others.

Testimony was taken, arguments heard (Exhibit 1) and on February 16, 1903, the Indian Committee made the following report:

"In compliance with the requirements of section 26 of an act entitled 'An act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes,' approved March 1, 1901 (31 Stat. L., 869), and in conformity with the prayer of the memorial of Isparhechar, referred to this committee by the Senate, the Committee on Indian Affairs herewith submits the following report and recommendation."

Then follows the statement of the case, and attention is called to the fact that the agreement of 1901 provides: "That within two years from the ratification of said agreement the Senate shall make full determination of said claims."

In 1902 Isparhechar, ex-chief of the Creek Nation, on behalf of himself and other loyal Creek claimants, had submitted his memorial to the Senate, asking that it should proceed as soon as practicable, as provided by said act, to examine said claims and to award the amount alleged to be due. Said memorial was referred to the subcommittee. The committee recommended to the Senate the payment of $1,200,000 by its report of February 16, 1903, aforesaid, to be passed on by the Senate as an award. (S. Doc. No. 3088, 57th Cong., 2d sess.)

The committee submitted to the Senate an amendment to the Indian appropriation bill, in connection with this report, on page 33, after line 22, as follows:

"In pursuance to the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee (or Creek) Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called 'loyal Creek claims' named in said section 25, the sum of $1,200,000, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available, etc., and providing in the proposed item for attorney's fees."

This item will be found on page 2252 of the CONGRESSIONAL RECORD, February 16, 1903. It was quite thoroughly discussed on the floor of the Senate, and it was pointed out by a member of the Indian Committee (Mr. Quarles) that the action of the Senate would be an award of the United States in the following language.

Speaking to the Senate, Mr. Quarles said:

"It has occurred to me, sir, that the Senate ought to be advised as to the nature of this amendment, and that it ought not to be passed, coming as it does solely from the committee, leaving the Senate entirely in ignorance of the fact that in regard to this amendment it is sitting as a court of arbitration and is not engaged in the ordinary method of legislation.

"Now, I rise to lay the facts before the Senate. This is a provision which arises out of the agreement made with the Creek Nation in 1891, whereby it is provided that the Senate shall, within two years, sit in the capacity of a court of arbitration and decide upon this claim, which arises from several treaties made by this Government with the Creek Nation.

"The determination of the Senate upon this proposition will amount to an award, upon which an action will lie quite independent of the fact of this provision in the other House of Congress (p. 2253)."

The Senate thereupon agreed to the item without objection (p. 2254).

Thereafter, when the matter went into conference it was cut down to $600,000, and it was provided that the claimants should execute an acquittance to the Government in full for their claims upon receipt of the $600,000, which, after deducting the attorneys' fees, was distributed among them.

The loyal Creeks' claim was again considered by the Committee on Indian Affairs, and in its report of January 30, 1907 (S. Rept. No. 5689, 59th Cong., 2d sess.), made the following report:

"LOYAL CREEK CLAIM.

"In 1901 Congress enacted into the statute an agreement made by the Dawes Commission with the loyal Creek Indians whereby their claim was to be 'submitted to the Senate of the United States for determination,' the Senate acting as a court of arbitration. The act provided that whatever sum was awarded 'provision shall be made for immediate payment of the same.' (31 Stat. L., 869, sec. 26.)

"In pursuance of that act the claim of the loyal Creeks was duly submitted to the Senate and sent to the Committee on Indian Affairs for investigation. The committee examined treaties and records, heard testimony from the claimants, both oral and by depositions, heard counsel, who submitted briefs, and finally reported its findings to the Senate as an item on the Indian appropriation bill, which read as follows:

"'In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called loyal Creek claims, named in said section 26, the sum of $1,200,000, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen, as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said lists, and shall be in full settlement and satisfaction of all claims under said articles 3 and 4: *Provided, however*, That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants in pursuance of said contract. And further, said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.' (CONGRESSIONAL RECORD, vol. 36, pt. 3, 57th Cong., 2d sess., p. 252.)

"A discussion followed in which the attention of the Senate was specifically called to the fact that by the adoption of that item the Senate announced its award under the law. In the language of Senator Quarles, who was a member of the Committee on Indian Affairs, and was opposed to the award:

"'The determination of the Senate upon this proposition will amount to an award upon which an action will lie, quite independently of the fate of this provision in the other House of Congress.'

"In a word, the Senate was fully apprised of the whole matter, and then passed the item without any dissenting votes. (See pages 2252, 2253, and 2254 of the RECORD above cited.)

"The House disagreed generally to the amendment made by the Senate to the Indian bill and the measure went to conference. When the conferees made their final report, the item carrying the award had been modified by reducing the amount found by the Senate from $1,200,000 to $600,000, and provided that the Indians should accept the same as full satisfaction of all claim and demand growing out of said loyal Creek claims, and that the payment should be a full release of the Government. (32 Stat. L., 995.)

"The money thus appropriated, being only one-half of the amount awarded, was accordingly paid to the Indians. But in spite of the fact that they accepted, under compulsion, that amount under the terms of the act rather than lose all payment for their losses, yet they feel that the amount awarded them under the conditions of a solemn agreement between themselves and the Government has been only one-half paid, and they are now entitled to the balance. They respectfully submit the following reasons for their present claim:

"I. The losses they sustained were the direct result of their loyalty to the Government. For this loyalty they were not only driven from their homes, but many of them—men, women, and children—in their flight from the Indian Territory to Kansas during the winter of 1861–62, lost their lives by attacks made upon them by other Indians and by organized whites, and all of them suffered untold hardships. More than 1,500 of the men entered the Union Army. The Commissioner of Indian Affairs in his report for the year 1865 says:

"'The Creeks were nearly divided in sentiment at the opening of the war, about 6,500 having gone with the Rebellion, while the remainder, under the lead of the brave old chief, Opothleyoholo, resisted all temptations of the rebel agents and of leading men, like John Ross, among the Indians, and fought their way out of the country northward, in the winter, tracked by their bloody feet upon the frozen ground. They lost everything—houses, homes, stock—everything they possessed. Many joined the United States Army.' (Commissioner's Report, 1865, p. 39.)

"II. The Government promised them that they should be reimbursed for their losses. During the negotiations with the Five Civilized Tribes, preceding the reconstruction treaty of 1865, the commissioners, on the part of the United States, assured the Indians, loyal and disloyal, that 'those who have been loyal, although their nation may have gone over to the enemy, will be liberally provided for and dealt with.' Again the Indians were assured that above all other consider-

ations it was the determination of the Government 'to recognize in a signal manner the loyalty of those who had fought upon the side of the Government and endured great sufferings on its behalf.' (Commissioner's Report, 1865, pp. 34, 299.)

"And article 4 of the treaty of 1866 (14 Stat. L., 787) undertook to ascertain their losses and see that the same were paid. This ascertainment was subsequently made by two officers of the Army, Gen. W. B. Hazen and Capt. F. A. Field. The Indians filed claims with this commission amounting in the aggregate to $5,090,808.50. The two commissioners, in keeping with their military training, insisted on having every item proven by witnesses presented before them. The impoverished Indians scattered over a territory twice as large as the State of Massachusetts, without property—not even a pony left them—and with many of their witnesses dead or left back in Kansas, could only comply in part. But they did prove the loss, before this exact and exacting court, of property found to be worth $1,836,830.41. This amount was awarded by Gen. Hazen and Capt. Field and approved by the Commissioner of Indian Affairs, and a qualified approval affixed by the Secretary of the Interior.

"III. The accuracy of the findings of Hazen and Field was never challenged by the Government. Using them as a basis, the sum of $100,000 was paid to the claimants. The Indians refused to take any portion of this latter amount until assured by Gen. Williamson, the Government agent authorized to make the payments, that the balance would be paid. Thus, when the matter came before the Senate as arbitrator, the Indians claimed the full amount of their losses as found ($1,836,830.41), less the $100,000 which had been paid, making $1,736,830.41. They also claimed interest for the 36 years that the claims had remained unpaid, this based on the fact that the Government usually paid interest on Indian funds.

"The Indian Committee, representing the Senate in making the investigation, determined, upon some theory unknown to the claimants, to reduce the amount to $1,200,000. The loyal Indians of the Choctaws and Chickasaws had been paid the full amount of their losses as found, and their claims had not been cut by the commissioners who passed upon them.

"The claims of the loyal Seminoles were submitted to the arbitration of the Senate by the same act that provided for the submission of the loyal Creek claims. The Senate reduced by 45 per cent the amount which the commissioners had allowed for losses and then added interest at the rate of 5 per cent for some 33 years. The reduction of the principal was based on the fact that the Indians had been allowed all they claimed; but the reduced principal and the interest brought the award to $186,000, while the original allowance was $213,888.95.

"The Choctaws and Chickasaws were thus paid the full amount of losses as they claimed them, and paid promptly after the date of the reconstruction treaty; and the Seminoles were generously dealt with by the Senate, a large amount of interest having been added to their claim. Yet when the Senate came to deal with the loyal Creek claims, which had been already cut by Commissioners Hazen and Field about 62 per cent, it further reduced the principal something more than 33 per cent (from $1,836,830.41 to $1,200,000), and refused to allow any interest. The claimants would have been glad to have accepted this award and been allowed, after the 36 years of waiting, to go in peace.

"IV. A fourth reason why the balance of the award should now be paid is the fact that the Indians submitted the whole matter to the Senate, trusting, with the simplicity of children, in its honor and justice. They were heard, the award was announced, and they returned to their homes with the feeling of perfect security that at least that much was safe and the $1,200,000 would be paid them and the long controversy ended.

"They had no knowledge of what was transpiring in the conference room. They were neither notified nor heard, yet provision was made for paying only one-half of their judgment, and conditioned that they should receive this as payment in full. The award between private parties would have been final and binding. (Wright *v.* Tebbitts, 1 Otto, 252.)

"V. Congress in its legislative capacity could not legally alter the award. The Senate, in pursuance of an agreement and a law, was the sole arbitrator. It formally announced its award. It never again opened the case. It never again sat as an arbitration board. Its sole connection with the matter thereafter was as a branch of Congress in its political capacity. Its function as a court was terminated. The question of finding what was due these loyal Creeks, who, in the language of the act providing for the arbitration, 'had suffered because of their loyalty to the United States Government during the Civil War,' was fully closed.

"VI. To coerce the Indians to sign receipts in full for a part of their award, and refuse to pay the balance, would, if done by an individual, be immoral. These untutored wards of the Nation who have been trained for generations to depend upon agents and other officers of the Government in all business transactions, and to do whatever they are told to do, are presented with a sum of money and a receipt and told to sign the latter in order to secure the payment. Will such a receipt be held as a bar against the individual Indian? Is there not such a sense of injustice growing from the facts of this case as will compel the payment of the whole award? The Indians depend more upon such considerations than upon legal rights which might be asserted as to the frailty of receipts in general as evidence of payment, and especially as to receipts procured by coercion or duress.

"VII. There must be no misunderstanding as to who these claimants are. They are simply and solely individual Indians. Their names, the property lost, and the amount due each for his particular loss, are all set out in the findings of Commissioners Hazen and Field. The Creek Tribe has no jurisdiction over the matter. On these claims the United States owed nothing to the tribe, and the latter never had any legal relation to them. The relinquishment of the tribe in its capacity as an organization can not have and should not have any effect on the pending claim."

Your committee recommends that the bill (S. 3423) do pass, or that an item be placed upon the Indian appropriation bill to provide for the payment of the balance of this award.

Mr. CURTIS. Mr. President, in view of the fact that there have been so many misstatements in regard to this claim, I should like to take a few minutes' time in explaining it to the Senate. It is a very old claim. In the first place, by the third article of the treaty of 1866 it was stipulated that the Government should sell certain lands and out of the proceeds pay to the loyal Creek Indians $100,000 to reimburse them in proportion to their respective losses. The land was sold and the money was turned into the Treasury. In 1872, act of July 15, $100,000 was appropriated, to be applied pro rata on the several amounts awarded under the treaty of 1866. Afterwards the Indians presented their claims to the Secretary of the Interior. That officer, in a report dated February 18, 1879, held they had no further legal claim. Again, on July 29, 1882, the same claim was presented, and the Secretary of the Interior held that they had no further legal claim. On the 10th of May, 1883, the matter was submitted to the Court of Claims. The Court of Claims, in passing upon the case, held that the Indians had no legal claim and that the $100,000 was in full settlement of all claims of said Creek Nation for damages and losses of every kind growing out of the late rebellion. The opinion of the court will be found in Nineteenth Court of Claims Reports, at page 675. I should like to read just a part of the syllabus of the case:

III. The provision in the treaty of 1866 that "the stipulations of this treaty are to be in full settlement of all claims of said Creek Nation for damages and losses of every kind growing out of the late rebellion" applies to individual and personal as well as to national demands.

IV. By the Creek treaty, 1866, the United States reserved $100,000 from moneys to be paid the nation and stipulated that that amount should be divided among the loyal Creeks "in proportion to their several losses;" but they did not thereby assume the losses which loyal individuals suffered by reason of their having faithfully adhered to the Government during the war.

After that decision nothing more was done in reference to this claim until the agreement was entered into with the Creeks in 1902. In that instrument the Congress of the United States agreed that this loyal Creek claim and another claim should be submitted to the Senate for settlement as a board of arbitration. A resolution or a memorial was presented. It was sent to the Committee on Indian Affairs in the regular order of business. The Committee on Indian Affairs was never selected by the Senate as a board or a court to adjust this claim. The memorial was referred to it in the usual course of business. The committee took jurisdiction, however, and reported the matter back, but not by way of resolution. They selected the Indian appropriation bill, and put the award, so called, in the Indian appropriation bill of March 3, 1903.

Now, my contention is that there was no award of any kind or character until the Indian appropriation bill became a law. Had the committee reported to the Senate a resolution, the Senate might pass it one day and the next day, if the Senate had been convinced that they made a mistake, it could reconsider and reduce the amount from $1,200,000 to $600,000, and no one would contend that the latter action would not stand as the final action of the Senate.

The committee selected an appropriation bill. Under the general procedure of the House and Senate the bill must go to the House. It went to the House. The House disagreed to the amendment. The whole matter went to conference, and in conference the House and Senate agreed to an award of $600,000. It came back to the Senate, was approved, and the only legal award was the award of $600,000 made on the 3d day of March, 1903, and the Presiding Officer of the Senate who passed upon this question two years ago well said that the Senate could not go back of the act of March 3, 1903. That is the law, and that is the award and the only award made by the Senate.

I pointed out yesterday that when the $600,000 was appropriated, the provision of the act was that the Indians should receive this sum in full settlement. It was submitted to the tribe. The tribal council passed a resolution accepting that amount in full settlement. That resolution of the tribal council was sent to the President of the United States, was approved by the President, and was a receipt in full. In addition to that, when the payment was made to each individual, each individual signed a receipt in full, and it refers to this award, the only award made, and that is the award of March 3, 1903.

The truth of the matter is this claim has already been paid in full twice, and I contend now, as I contended on the conference committee, that had the Senate been advised of the true facts in this case they would not have consented to have paid one other cent to the Indians over and above the $100,000 that was paid in the first instance. These Indians have been paid in full.

Then, it is said there is nothing in here that is obnoxious to the rule, and that it is carrying out the provisions of a treaty. There is no treaty, but a mere agreement, an act of Congress, because the policy in dealing with the Indians was changed in 1871, and in that agreement there is no provision for the payment of attorneys' fees, and yet in this item you find provision made for the payment of attorneys' fees which was not contemplated by the act of 1902. There is nothing of that kind provided for in the agreement. This is an attempt to put general legislation on an appropriation bill, and I submit, Mr.

President, that it is subject to the point of order I made against it last evening.

Mr. OWEN. Mr. President, I wish very briefly to call the attention of the Senate to this language in the treaty of 1866. Article IV of that treaty provides as follows—and I take this from Precedents and Decisions on Points of Order in the United States Senate, by Gilfry:

Immediately after ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians, and freedmen, in proportion to their several losses, and to pay the amount awarded each in the following manner, to wit: A census of the Creeks shall be taken by the agent of the United States for said nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the Federal Army, loyal refugee Indians, and freedmen, be made by him. The superintendent of Indian affairs for the southern superintendency and the agent of the United States for the Creek Nation shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians, and shall transmit to the Commissioner of Indian Affairs, for his approval and that of the Secretary of the Interior, their awards, together with the reasons therefor.

This was done in pursuance of the treaty. Hazen and Field made their report, which will be found, at great length, giving the name of each individual, his age, together with remarks, a great many of them being soldiers, and there being 1,523 persons all together.

This report was submitted by W. B. Hazen, major general, United States Army, superintendent of Indian Affairs for the southern agency, by F. A. Field, of the United States Army, and agent for the Creek Indians, and was submitted by J. D. Cox, Secretary, on the 5th of December, 1870. The matter then lay in abeyance until the United States wanted to open up the Indian lands in the Indian Territory, and they made the agreement in 1902 that the Senate should pass upon this matter, and the Senate, in the Precedents of the Senate (Gilfry, 136), is called a "quasi court of arbitration" in this case. This term is, however, a mere figure of speech. The Senate, passing upon this matter as a court, determined this award, and when it determined it as an award it is immaterial whether it has ever been paid or not. You never can take back the award once made. You may pay it or you may refuse to pay it, but you can not deny it. It is there, an award, and the Congress of the United States, through the House of Representatives, can not in an appropriation act set aside that judgment; it is a final judgment, and the Senate itself, having made that judgment, can not without cause, at the instance of parsimony or repudiation for economy sake, set it aside. It is the law; it stands as a judgment, and the honor of the Senate, in my opinion, requires it to be paid, and under the Rule XVI the item providing payment is germane to this bill, and ought to remain.

The VICE PRESIDENT. This bill provides appropriations "for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations," and so forth, for the fiscal year ending June 30, 1912. In its consideration, when page 28 is reached, on behalf of the committee an amendment is presented, which has been read by the Clerk and which will not be restated by the Chair, and in opposition to that amendment the Senator from Kansas [Mr. CURTIS] invokes the provision found in section 3 of Rule XVI, reading—

No amendment which proposes general legislation shall be received to any general appropriation bill—

contending that under that provision of the rule this amendment is not in order upon this bill.

The Senator from North Dakota [Mr. MCCUMBER] contends that if this provision is not in order various other provisions of the bill are out of order. The Chair knows of no rule of the Senate under which it is possible for any part of the text of the bill as it comes from the House of Representatives to go out on a point of order. The rule invoked by the Senator from Kansas applies only to amendments.

Much has been said as to the merits of this amendment. With the merits or the demerits, as the case may be, the occupant of the chair, of course, has nothing to do. It is within the province of the Senate, if the House concur, to modify any action it may have taken in some former Congress, to pay any charge against the Government by one-half or by twice if it see fit. But it must make that payment, it must take that action in accord with its rules. The question presented here is a question of procedure, not a question of merit. It is manifest to the Chair, though not universally conceded, that this provision has in it very much of general legislation, as that term has been construed heretofore in the Senate.

The Chair has read with interest and with care the decision rendered when a like provision was presented in a like bill two years ago by Vice President Fairbanks (CONGRESSIONAL RECORD, 60th Cong., 2d sess., Feb. 20, 1909, p. 2823), and the Chair believes that the reasoning of that decision is clear and that its conclusion is correct, and the Chair proposes to follow that decision in this instance and sustain the point of order.

Mr. OWEN. Mr. President, the Chair did not apparently pass upon the question of the third paragraph of Rule XVI as to the relevancy——

The VICE PRESIDENT. The Chair did omit that. The question of germaneness or relevancy has not been presented and is not before the Chair. No Senator has raised that question.

Mr. OWEN. I rose for the purpose of asking that the matter be now submitted to the Senate on an appeal from the decision of the Chair, and was only pointing out that matter, supposing the Chair had possibly overlooked it. I appeal to the Senate from the decision of the Chair.

The VICE PRESIDENT. The Senator from Oklahoma appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The ayes appear to have it. The ayes have it, and the decision of the Chair stands.

The reading of the bill was resumed, beginning with line 18, on page 30.

The next amendment of the Committee on Indian Affairs was, in section 18, under the head "Oregon," on page 31, line 8, after the word "dollars," to insert "for extension of wing of present brick school building, $15,000," and in line 10, before the word "thousand," to strike out "twelve" and insert "twenty-seven," so as to make the clause read:

For support and education of 600 Indian pupils including native pupils brought from Alaska, at the Indian school, Salem, Oreg., and for pay of superintendent, $102,200; for general repairs and improvements, $10,000; for extension of wing of present brick school building, $15,000; in all, $127,200.

The amendment was agreed to.

The next amendment was, on page 31, after line 14, to insert:

For beginning the construction of the Modoc Point irrigation project, $50,000; reimbursable, and to be repaid into the Treasury of the United States from funds derived from the sale of timber on the Klamath Indian Reservation, Oreg.: *Provided*, That the total cost of this project shall not exceed $185,737.15.

The amendment was agreed to.

The next amendment was, in section 19, under the head of "Pennsylvania," on page 31, line 24, after the word "Pennsylvania," to insert "for transportation of pupils to and from said school;" on page 32, line 1, before the word "thousand," to strike out "forty-two" and insert "sixty-four," and in line 3, before the word "thousand," to strike out "forty-seven" and insert "sixty-nine," so as to make the clause read:

For support and education of Indian pupils at the Indian school at Carlisle, Pa., for transportation of pupils to and from said school, and for pay of superintendent, $164,000; for general repairs and improvements, $5,000; in all, $169,000.

The amendment was agreed to.

The next amendment was, in section 20, under the head of "South Dakota," on page 32, line 5, after the number of the section, to strike out:

For support and education of 175 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $64,425; for general repairs and improvements, $5,000; in all, $69,425.

Mr. CLAPP. I suggest that the amendment of the Senate committee be rejected, which will restore the language of the bill as it came from the House in that respect.

The amendment was rejected.

The next amendment was, on page 32, line 17, before the word "dollars," to strike out "550," so as to make the clause read:

For support and education of 175 Indians pupils at the Indian school at Pierre, S. Dak., and for pay of superintendent, $32,000; to complete irrigation plant, $17,000; to complete new building, $10,000; for general repairs and improvements, $5,000; in all, $64,000.

The amendment was agreed to.

The next amendment was, on page 32, line 19, before the word "Indian," to strike out "two hundred and fifty" and insert "three hundred;" in line 20, after the word "superintendent," to strike out "$43,350" and insert "$51,900, two thousand of which shall be immediately available;" and on page 33, line 3, before the word "dollars," strike out "eighty-one thousand three hundred and fifty" and insert "eighty-nine thousand nine hundred," so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Rapid City, S. Dak., and for pay of superintendent, $51,900, two thousand of which shall be immediately available; for new dormitory for girls, $20,000; for installation of a central heating plant, $10,000; for general repairs and improvements, $8,000; in all, $89,900.

The amendment was agreed to.

The next amendment was, on page 34, after line 22, to insert:

That section 8 of an act entitled "An act to authorize the sale and disposition of the surplus and unallotted lands in Bennett County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriations to carry the same into effect," approved May 27, 1910, is hereby amended so as to read as follows:

"SEC. 8. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are

hereby granted to the State of South Dakota for such purpose, and in case any of said sections, or parts thereof, are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act or within the said Pine Ridge Indian Reservation, to locate other lands not otherwise appropriated, not exceeding two sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

That section 8 of an act entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect," approved May 30, 1910, is hereby amended so as to read as follows:

"SEC. 8. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections or parts thereof are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act or within the said Rosebud Indian Reservation, to locate other lands not otherwise appropriated, not exceeding two sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

That the time in which the commission appointed to inspect, classify, and appraise the unallotted lands in the counties of Mellette and Washabaugh, in the Rosebud Indian Reservation in the State of South Dakota under an act entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect," approved May 30, 1910, be and the same is hereby extended to the 1st day of June, 1911, to complete and return the same.

The amendment was agreed to.

The next amendment was, in section 21, under the head of "Utah," at the top of page 38, to insert:

For the maintenance, purchase of seed, farm implements, and stock for the Indians of Skull Valley, Deep Creek, and other detached Indians in Utah, $10,000, or so much thereof as may be necessary, to be immediately available and expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 38, after line 6, to insert:

For continuing the construction of lateral distributing systems and the maintenance of existing irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, authorized under the act of June 21, 1906, to be expended under the terms thereof and reimbursable as therein provided, $75,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 13, to insert:

There is hereby granted to the State of Utah upon the terms and conditions hereinafter named the following-described property, known as the Indian school, lot 4, block 50, Randlett town site, former Uintah Indian Reservation, including the land, buildings, and fixtures pertaining to said school: *Provided*, That said land and buildings shall be held and maintained by the State of Utah as an institution of learning, and that Indian pupils may at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July 1, 1911, if before that date the governor of Utah files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

The amendment was agreed to.

The next amendment was, in section 23, under the head of "Washington," on page 40, line 8, after the word "dollars," to insert: "*Provided*, That the amount hereby appropriated, and all moneys heretofore or hereafter to be appropriated, for this project shall be repaid into the Treasury of the United States in accordance with the provisions of the act of March 1, 1907;" so as to make the clause read:

For extension and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, $15,000: *Provided*, That the amount hereby appropriated, and all moneys heretofore or hereafter to be appropriated, for this project shall be repaid into the Treasury of the United States in accordance with the provisions of the act of March 1, 1907.

The amendment was agreed to.

The next amendment was, on page 41, after line 2, to insert:

The Secretary of the Interior is authorized to sell and convey the lands, buildings, and other appurtenances of the old Fort Spokane Military Reservation, now used for Indian school purposes, and adjoining the Colville Reservation, in the State of Washington, containing approximately 640 acres, and to use the proceeds thereof in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians in said State: *Provided*, That the Secretary of the Interior is authorized in his discretion to reserve from sale or other disposition any part of said reservation chiefly valuable for power sites and reservoir sites and land valuable for minerals: *Provided further*, That in the case of land reserved on account of minerals, the Secretary of the Interior may sell the surface under such regulations as he may prescribe: *Provided further*, That, in the discretion of the Secretary of the Interior, the surface of the lands may be sold separate from any minerals that may be found thereunder. The Secretary of the Interior shall report to Congress at its next session his action in the premises.

The amendment was agreed to.

Mr. CLAPP. It will be impossible to conclude the bill this evening, and the committee has an amendment to offer in which the senior Senator from Idaho [Mr. HEYBURN] is interested. He can not be here to-morrow. I therefore ask the Senate to return to page 12.

The VICE PRESIDENT. Without objection the Senate will return to page 12.

Mr. CLAPP. On page 12, after line 14, I move to insert what I send to the desk.

The VICE PRESIDENT. The Senator from Minnesota offers an amendment, which will be stated.

The SECRETARY. On page 12, after line 14, it is proposed to insert the following:

That the Secretary of the Interior is hereby authorized to cause allotments to be made of the lands on the Fort Hall Indian Reservation in Idaho in areas as follows: To each head of a family whose consort is dead, 40 acres of irrigable land and 320 acres of grazing land, and to each other Indian belonging on the reservation or having rights thereon, 20 acres of irrigable land and 160 acres of grazing land.

That the Secretary of the Interior is hereby authorized to set aside and reserve so much of the timber land of the Fort Hall Reservation as he may deem necessary to provide timber for the domestic use of the Indians, not exceeding in aggregate two townships of land; and the said Secretary is hereby authorized to set aside and reserve such lands as may be necessary for agency, school, and religious purposes, not exceeding in aggregate 1,280 acres of land for agency and school purposes and 160 acres for any one religious society, to remain reserved so long as agency, school, or religious institutions are maintained thereon; and the said Secretary is hereby authorized to set aside and reserve certain lands chiefly valuable for the stone quarries situated thereon, not to exceed in aggregate 320 acres of land; and authority is hereby granted the said Secretary to lease said stone quarries under the provisions of section 3 of the act of February 28, 1891, Twenty-sixth United States Statutes at Large, page 795, or, in his discretion, to operate said quarries for the benefit of the Indians of the Fort Hall Reservation and to sell the stone quarried therefrom, the proceeds derived from said quarries to be deposited in the Treasury of the United States to the credit of said Indians and expended for their benefit in such manner as the said Secretary may prescribe.

That the Secretary of the Interior is hereby authorized in his discretion to make allotments as herein provided within the "Fort Hall Bottoms" grazing reserve to those Indians who have occupied and erected valuable improvements on tracts therein.

All acts or parts of acts in conflict herewith are hereby repealed.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLAPP. Unless some Senator desires an executive session, I will move that the Senate adjourn. I make that motion.

The motion was agreed to, and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 25, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 24, 1911.*

The House met at 12 o'clock noon.

Prayer by Rabbi Alfred G. Moses, of Mobile, Ala.

The Journal of the proceedings of yesterday was read and approved.

BANKING AND CURRENCY.

Mr. GILLESPIE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the banking and currency question.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLESPIE. Mr. Speaker, I desire to submit herewith, as a part of my remarks, a communication addressed to me by my friend of many years, Mr. R. C. Milliken. He has given a great amount of study and research to the question of banking and currency, and I feel sure his article will be appreciated by all thoughtful students of the question. I commend it to the careful perusal of all. I am not in accord with all he proposes in his plan, nor with all his criticism of the Aldrich plan. I believe it will be exceedingly unwise for us to undertake to establish one central bank or institution for all our country. But if the United States could be divided into groups of States, according to the community of interests of the respective groups, and such an institution as the Bank of France or that of Germany, modified to suit our conditions, were to be established in each group, with power to establish branches and fix the rate of discount and deal directly with the merchants, farmers, and manufacturers, then I think we would have a banking system that would at the same time serve and protect the commerce of the country and not the banks only. I do not wish now to make any extended remarks.

But I do wish to say that in my opinion this Congress ought to take up this question immediately and settle it. If we do not, it will be held in abeyance until the tariff question and

others are fully thrashed out, which will not be probably for the next 10 years. There is less partisan politics involved in the settlement of this question now than will be again for many years, in my opinion. Every thoughtful man must see that it can never be settled right in the heat of partisan politics. The commerce of this country needs protection. Congress must settle the question in the end, and why not do so now?

Mr. Milliken's communication follows:

WASHINGTON, D. C., *January 23, 1911.*

Hon. O. W. GILLESPIE,
Member House of Representatives, Washington, D. C.

DEAR SIR: I would respectfully direct attention to the financial plan presented to the National Monetary Commission by its distinguished chairman, Hon. NELSON W. ALDRICH, and beg leave to point out those defects which appear to me to be the worst and recommend such a plan as I believe will meet the requirements necessary to cure our present financial ills.

Before attempting to criticize the aforementioned plan or showing the necessity for a head to our credit system I beg your indulgence in stating a few fundamental propositions. Therefore, for convenience sake, I shall divide my subject into three parts, viz:

I. Money; its definition and relationship to credit.
II. Currency (current credit) and its instrumentality.
III. The banking system.

PART I. MONEY.

Money is anything of value—a value in itself and aside from its use as money—customarily used in trade as a medium of exchange and measure of values.

Almost every really valuable article of commerce has at some time or other been customarily used as money in some country or other; but gold and silver have been most generally used for that purpose among commercial people. Congress in 1834 made the silver dollar the unit or measure of value and declared the ratio between those metals to be 15.98 to 1. Such declaration being slightly at variance with the truth—i. e., silver being then slightly more valuable than gold at that ratio—the gold dollar was made the unit. But when California, in 1851, produced the unprecedented amount of $99,000,000 gold the metal in a silver dollar became worth $1.07. In consequence of such depreciation in the value of gold, all our silver coins were melted, thus leaving us with no change money. So Congress passed the act of February 21, 1853, coining all subsidiary silver pieces on Government account and putting 8 per cent less metal in them than the amount contained in the silver dollar.

As the bimetallic declaration of 1834 was a failure for the reason stated, Congress, in 1873, enacted section 3511 (Rev. Stats.) making our present dollar containing 23.22 grains gold the unit of measure of value. It is the 23.22 grains of gold contained in that coin, rather than the stamp upon it, which makes it the measure of value, for section 3584 expressly provides that while the stamp shall be indisputable evidence as to the quality of the metal therein contained, yet it is only prima facie evidence as to the quantity. That is good law; good finance, and good money, the only money we have, all other being credit or promises to pay money. In the case of the silver dollar the holder lugs a collateral (of actual but uncertain value) worth less than 50 per cent of its face; whereas with the silver certificate the Government holds the collateral and in the case of the greenback dollar there is no collateral employed, yet each passes current with the other and with gold coin because of the holder's confidence in the financial ability and good faith of the Government to maintain the parity between them all. Shock the holder's faith in either of the factors forming that confidence and he will refuse to accept those promises to pay money and demand real money where the element of confidence is entirely eliminated. The use of gold as the only money has ceased to be a local or national custom and become the fixed custom of the whole commercial world.

PART II. CURRENCY.

We must not confuse the currency principle with its instrumentality—the banking system. The former may be scientific and sound and the banking system bad, and vice versa. A bank-note currency may be divided into two classes—secured and unsecured. In effect there is no difference between a secured bank-note currency and paper money issued by Government authority, both being inflexible and unresponsive to the demands of trade. They inflate credit, being an attempt to create money out of paper instead of coining it out of gold, an authority delegated by the Constitution to Congress alone. Mr. Charles A. Conant, in his history of the modern banks of issue, has defined so clearly the meaning and province of a bank note that we shall quote him. He says:

"Bank notes are not money but are a form of credit of substantially the same nature as bills of exchange, promissory notes, and checks. They are the proper instruments of commercial transactions, because they are the creatures of commercial needs and are adapted in volume to the commercial necessities. In this respect they differ from Government paper money, which is regulated wholly by the necessities of Governments and not by the convenience of trade. Bank notes are not, as Government paper money usually is, pieces of paper created out of nothing to represent value. They are simply the paper representatives of a great mass of commercial transactions."

PART III. THE BANKING SYSTEM.

It is hardly necessary for us to state the necessity for a central bank of issue, as nearly every Government has one. The greatest need for such an institution is to furnish our Federal Government and our States and their subsidiary governments with a sound fiscal agent, and at the same time take our 25,000 banks out of politics. The principal thing to be considered is as to the

MANNER OF CONTROL OF A CENTRAL BANK.

The control should be lodged in three separate and independent bodies, viz:

1. Governor with a veto power.
2. Directors empowered to legislate, etc.
3. Censors with the power to inspect.

GOVERNOR OR EXECUTIVE.

Let the President of the United States select the governor from three names submitted to him by the Secretary of the Treasury. The latter to choose from citizens owning $20,000 of the bank stock for one year before such selection occurs. Make the governor the chief executive officer of the bank and subject to its by-laws, with authority to veto a new by-law. Authorize him to appoint the managers, agents, and other representatives of the bank, subject to the approval of the board of regents, except the deputy governor, directors, censors, and such inspectors as the board of directors may appoint. The deputy governor should be selected in the same manner as and possess the qualifications required of the governor, except that he should own not less than $15,000 of the central bank's stock, be elected for a term of 10 years, and act as governor during the absence or inability of the governor to serve. Let the President of the United States remove the governor for cause.

DIRECTORS.

Have 49 directors—one for each State, the two Territories, and District of Columbia. Divide them into 5 classes of 10 members each, except 1 of 9, and elect them by the ballots of the electors residing in their respective States. Elect the members of one class annually for a term of 5 years. Let the members of the first board hold office for terms of 6, 7, 8, 9, and 10 years, respectively, and be chosen from among the merchants and manufacturers of the highest standing and commercial rating in their respective States who will qualify with $10,000 of the stock. Require each director to own stock in the central bank in the amount of $10,000, and prohibit him from owning stock in any other bank or concern buying or selling stocks or bonds; also require him to be and remain a resident of the State from which he is elected during his term of office, and prohibit him from holding office with any Government, State or Federal, or any political party. Empower the board of directors to legislate for the central bank by by-laws; appoint a board of regents composed of nine persons and such inspectors as they choose and designate the districts from which the censors are to be elected. Give each member of the board of directors a vote on the board in proportion to the central-bank stock owned in his State and the deposits placed with or under the control of the central bank by his State and its subsidiary governments the previous year, but require 30 per cent of the members of the board of directors to pass any measure.

N. B.—You will observe I have given the State deposits equal representation with the stock in the election of the legislative body, but no voice in control. This is done as an inducement for the States to make the central bank their fiscal agent.

ELECTORS.

Define an elector as a citizen owning and possessing $2,500 of the central-bank stock in good faith and for his own use and benefit for 5 years before the date of the election at which he is to vote, provided that in the election of censors for the first 5 years of the bank's existence such time limit shall not apply.

BOARD OF REGENTS, OR EXECUTIVE COMMITTEE.

A regent should be a citizen owning $10,000 of the central-bank stock, and the members of the board of regents, consisting of 9 persons, should be selected from the following occupations in the proportion herein set forth, viz, 2 merchants, 2 manufacturers, 2 commercial bankers, 1 agriculturist, 1 teacher or writer on finance, and 1 lawyer.

Prohibit the regents, except the 2 bankers, from owning stock in any other banking institution or concern purchasing or selling stocks or bonds. Empower the board of regents to execute the will of the board of directors as expressed in the by-laws. In other words, let this board act in a similar capacity to that of an executive committee.

CENSORS.

The board of censors should consist of three public certified accountants, elected for one year each, but four months apart, by the ballots of the electors of their respective censor's districts. Define a censor's district as a city with 100,000 population. Permit no two censors serving the bank at one time to be residents of the same State or within 300 miles of one another. Empower the censors to supervise the elections, inspect the properties, and transactions of the bank, and verify the statements of its officers.

PROFESSIONAL CENSORS SUPERIOR TO GOVERNMENT EXAMINERS.

A professional public accountant, elected in a practical manner by responsible and interested financial backers not in control of the bank is far superior to Government examiners, because he is pursuing his regular profession, that of public accounting, and therefore has a professional reputation to sustain; whereas Government examiners have no professions of their own, being mere clerks, most of whom seek that position as a stepping stone to some lucrative bank office they may not be fitted for. Consequently the latter employ the soft pedal and permit gross errors to go unpublished, which the professional accountant would criticise. Professional accountants, elected by the minority out of control, are universally used by the British life-insurance companies, for that Government will not expend one penny to ascertain if those in control are abusing their trust. They are employed by the Bank of England and most of the Canadian banks, neither of which Governments inspect those institutions.

THIS IS COMPOSITE MANNER OF BANKS OF ENGLAND AND FRANCE CONTROL.

In the qualification and manner of election of the governor and the powers he is to exercise we have followed the method provided by the charter of the Bank of France. In the qualification and manner of electing the directors and electors we have followed the plan of the Bank of England; except, in order to make it practical for our country, we have provided for the election of directors severally by States, for it would be out of the question to expect the business men of Texas to vote intelligently for persons residing in the adjoining State of Arkansas. The division of the powers and checks imposed against each class, executive and legislative, are principles taken from the laws and practices of both the above-mentioned central banks and many other great public-service corporations of Europe. The American method of mingling the powers and duties of the executive and directing bodies of our great public-service corporations is bad and has led to czarism in control and caused a distrust which should not exist.

DISPOSITION OF CENTRAL-BANK PROFITS.

The dividends to stockholders should be limited to, say, 6 per cent until a considerable surplus is accumulated, then divide the profits as follows, one-fourth to stockholders; one-fourth to such mutual societies and corporations using the central bank as their fiscal agent, in proportion to their deposits with it; and the balance to the States using it as their fiscal agent, in proportion to their deposits with or placed under its control. The Federal Government can well afford to make this concession to the States in order to take them out of the banking business and the banks out of politics, for the central bank can fully compensate the Federal Government in service for every dollar it deposits with the bank.

POWERS OF CENTRAL BANK.

The bank should be empowered to purchase and sell gold coin and bullion, make loans, and discount paper not exceeding three months in time bearing two solvent signatures or one solvent signature and ample collateral, the loan not to exceed three-fourths the market value of the collateral, issue currency payable on demand in gold and establish agencies for its redemption, do a general banking business, appoint agents, and establish branches. All agents and agency contracts should be subject to the by-laws enacted at the time and to be enacted thereafter, and if such agency contract carries with it the right to countersign and issue the notes of the central bank, the other bank holding such contract should have at least $1,000,000 paid capital and agree to allow the central bank to appoint a representative to be and remain at its office and hold one key to the vault containing the reserves or portfolio behind the notes issued by such agent and to see that it respected the terms of such contract. It should be empowered also to purchase or make loans on treasury bills of both classes of American Governments, State and Federal, and to act as their fiscal agent in issuing, floating, or refunding their debts.

WHAT THE BANK CHARTER SHOULD NOT CONTAIN.

The charter should be silent on the bank's reserves, the amount of its note issue, and government inspection. Neither should its notes be taxed nor made a legal tender in the payment of debts.

ARGUMENT AS TO NONTENDER QUALITY OF BANK NOTES.

The Scotch and Canadian bank notes have never been a legal tender and have always passed current with coin, because of the confidence of their holders in those institutions to redeem them on demand in coin. During the first century's existence of the Bank of England its notes were not a legal tender and passed current with coin; but the British Government, in 1797, forced the bank to make it a $5,000,000 gold loan with which to wage war, and in order to compensate the bank therefor, the ministry had Parliament make its uncovered notes a legal tender. Immediately those notes fell below par and remained below par for many years thereafter. At the same time the Scotch banks were tendered such paternalistic aid, a favor which they promptly declined, and their notes passed current with coin during the whole of Napoleon's wars. The German Reichbank notes were not a legal tender until 1909 and they were never below par. Nor is a Bank of England note now a legal tender at the bank.

CENTRAL BANK NEEDED IN MOBILIZING TEMPORARY INVESTMENTS.

There are several reasons why the domestic bill of exchange is not in general use here. Among which we might enumerate: First, our lack of a central bank of issue to which the holders of such bills may go to have them converted into a more liquid credit. Second, because our country is so large that our business men do not know each other's financial standing as do those of European countries. Third, because of the desire of those who must become the natural drawers of our domestic bills to be relieved of the obligation, as soon as possible and thus avoid the financial risk involved and cost of maintaining an expensive credit department.

ILLUSTRATION OF CAUSE FOR NONUSE OF DOMESTIC BILL HERE.

For instance, the wholesale merchant in St. Louis sells a bill of merchandise to a retailer in Laredo, Tex., and in order to have the latter do business on a cash basis the wholesaler offers him a high rate of discount which the retailer must take advantage of to protect his future credit. The wholesaler calculates that his losses on discounts under his present custom would be less than his losses on bad debts should he adopt the custom of drawing drafts maturing after his customers had disposed of their purchases of him. The retailer, therefore, must obtain credit from his local bank, employing two credit instruments, i. e., his own promissory note with which to procure currency, or more probably St. Louis or New York exchange. In Europe that transaction would be conducted with one credit instrument, the wholesaler and retailer joining their credit in a two or three month bill of exchange. The wholesaler would take it to his private bank and discount it at a low rate. If the bank should need cash at any time, and the bill market at its home, say Berlin, be unfavorable, it would sell the bill in a more favorable market, say Paris. The Paris banker might sell it in London or Berlin before maturity. During any period of that bill's existence any of the banks holding it could take it to any European central bank of issue and obtain gold or bank notes for it provided the names on it are those accepted by the central issue banks for discount. This enables the European private banks to do business on extremely low cash reserves, thus economizing their capital. If a bill possess two signatures of unquestioned financial responsibility, it is known as a prime bill. We use the bank note as cash, while Europeans use the bill of exchange for virtually the same purpose. The promissory note with us is immobile (remaining in the bank in whose favor it is payable), but the bank note, its representative or joint partner, so to speak, is mobile, and if it represents a commercial transaction can not produce inflation. The reason a bill of exchange does not inflate credit is that it represents a commercial transaction, the very evidence of which it carriers on its face.

ALDRICH PLAN OF MOBILIZING TEMPORARY INVESTMENTS.

This plan provides for a purely artificial indorser for promissory notes and bills of exchange in forming "local associations" of 10 or more national banks with aggregate capital of not less than $5,000,000, requiring the association to guarantee the notes of the banks composing it. We believe this will prove quite expensive and most impractical; impractical, because it forces many banks—banks with small capital and large capital, banks with good management and bad management, and banks of unquestioned soundness with those of questionable soundness—to join together for guaranteeing purposes and necessarily sharing each other's business secrets, and when so joined they must remain tied unless the dissatisfied bank is willing to suffer considerable financial loss rather than endure such arrangement.

MANNER OF ALDRICH CENTRAL BANK CONTROL.

The corporate powers of this central bank are placed in the board of directors, consisting of 45 persons, a majority of whom are elected by the national banks owning stock in the central bank. Each national bank must subscribe for stock in the central bank to the extent of 20 per cent of its own stock, one-half to be paid for. This gives the national banks ten times the interest in the success of themselves that they have in the central bank. Considering that the dividends on the central-bank stock are limited to 5 per cent and those on their national-bank stock are unlimited, the ratio between those interests will probably be 30 to 1. Therefore, the central bank will be controlled as a "feeder" to the national banks in precisely the same manner that the great life-insurance companies of this country are feeders to the banks and promoting companies controlling them. The principal business of all European central banks is with the other banks doing a commercial business. The charters of all European central banks prohibit those in control from owning stock in any other banking institution and require them to own a certain amount of stock in the central bank to give them a personal interest in its success and responsibility for losses. The Aldrich central bank will be the only stock-controlled central bank in the world and the only one where those in actual control have no direct personal interest in its success independently of any other financial institution.

EXECUTIVE OR GOVERNOR OF ALDRICH BANK.

It may be contended by the uninformed that the governor, who is to be selected by the President of the United States, will counteract any undue influence by reason of such diverse and antagonistic interests of those on the board of directors. Not so, because the President is limited in his selection to the list of names furnished him by the board of directors, and the governor is made subject to the by-laws which are to be enacted by the board. He can not appoint a branch manager except on the approval of the executive committee, a body composed of nine persons, of whom five (majority) are elected by the board. Therefore the governor can exercise no independent power nor impose an effective check on the will of the members of the board.

EX OFFICIO MINORITY REPRESENTATION ON THE BOARD.

The board will possess six ex officio members selected by the President of the United States, among whom will be the Secretary of the Treasury, Secretary of Commerce and Labor, and the Comptroller of the Currency, who will be in a woeful minority; besides, the three public officials mentioned have quite enough of governmental duties to perform to occupy their time fully. It is a mistake to put a Government official on the board of a corporation, especially so when he is in the minority. That was done by the charter of the second United States bank, and by reason of bad management it became insolvent before it was three years old and would have been placed in a receiver's hands had not the Government come to its rescue. The charter of the Illinois Central Railroad provides that the governor of that State shall be an ex officio member of that board, and all of us have read within the past year about its scandal, involving embezzlements aggregating several million dollars. We could cite many instances of similar wrongdoings by corporations where high Government officials were ex officio members of the boards.

WHY AND HOW PRESIDENT SHOULD SELECT THE HEAD.

The President should select the chief executive officer of such an important financial institution, not so much because of a distrust in the private capital backing the institution, but more as a matter of right to the Government he represents and which will be its largest depositor and customer. But in making that selection the President should seek those personally interested in its financial success, and the best evidence of that fact is that the person so selected owns stock in it. Such a person will be responsible for losses resulting from bad management.

As the private capital is responsible for any financial loss to the Government and other creditors, give the executive officer selected by the President only a veto power on the board representing the private capital, and vice versa. This will afford ample protection to all interests, public and private. There will be no conflict of authority and no trouble to locate responsibility. This method of corporate control was first adopted by the Scotch, and has been made the policy of other countries. The French Parliament looked on this method with such favor that in 1863 and 1867 it was applied to most French corporations, thus ridding those corporations from the unwise restrictions imposed by French laws. We should adopt this in planning the control of our central bank, so as to teach our people what it means, that we may have more freedom from legislative restraint in corporate management. If the Aldrich plan did not provide for a control which is diametrically opposed to this common-sense method, it would not be necessary for the charter of that institution to contain the numerous restrictions it does, many of which are opposed to reason, against the testimony of the great experts interviewed by the National Monetary Commission and without precedent anywhere.

ALDRICH PLAN INCOMPLETE FINANCIAL REMEDY.

The Aldrich plan is incomplete in that it makes no provision for the ultimate retirement of our greenbacks and other unfunded debt of the Government. That should be declared to be the financial policy of this Government, and the Secretary of the Treasury clothed with authority to carry it into effect without disturbance to the money market. Nothing short of that will place us on a sound financial basis.

RESERVES BEHIND NOTE ISSUE UNDER ALDRICH PLAN UNSAFE.

The plan provides that the central bank shall hold in gold or other lawful money 33⅓ per cent of its outstanding note issue. A fixed legal reserve is the most dangerous fault of our present national banking system. The best financial experts have pronounced it unwise and unsafe. Germany is the only European country requiring it, and their Reichbank has a reserve of only 40.1 per cent to 75.3 per cent for the Bank of France, an institution operating without any reserve requirement. The true test of solvency of an issue bank is not the amount of cash it holds, but the character of its portfolio. The Monte de Piedad of Mexico held $2,480,000 in cash against a circulation of $4,327,000 (57 per cent) when the report went out that it held too many long-time investments, causing the run which forced it to suspend specie payments. If the Bank of Germany had a "bank parliamentary body" it would not be necessary for the Government Parliament to impose such restrictions.

LEGAL BURDENS IMPOSED ON ALDRICH BANK DANGEROUS.

The plan provides that the central bank must, for a period of one year, offer to purchase at par the 2 per cent bonds held by all the national banks subscribing to the central bank stock. For an old and well established commercial bank of unquestioned credit to assume such a burden would, in my opinion, be dangerous, but for a newly organized issue bank to do it would be folly, and might result in financial disaster to the whole country. Therefore we suggest that that burden rest where it is at present, on the national banks which have a combined capital and surplus exceeding $1,500,000,000. If we read the motive of the plan aright, this is the cudgel which is to force all the national banks to buy stock in the new institution, for the act expressly provides that the central bank shall enjoy the privilege of having those 2's refunded by the Government at a higher rate of interest. Destroy the circulation privilege now enjoyed by our 2's and they would go to a strictly revenue-producing basis, 80 per cent or lower. Rather than suffer a loss of from 20 per cent to 25 per cent on the 2's used for circulation, the national banks will invest 10 per cent in the stock of the central bank, but it will be at the risk of financial disaster to the coun-

try. It would be safer to give those banks the right of such re-funding privilege, provided they invest in the stock of the new bank and permit the Secretary of the Treasury to call in the notes of such as he chose for retirement. That would accomplish the same object and be much safer.

ALDRICH PLAN OF TAXING NOTES A MISTAKE.

The plan provides that the central bank may issue untaxed notes to the amount of the present outstanding issue of national-bank notes, and for all notes above that amount a tax ranging from 3 per cent to 6 per cent is imposed. Again, the German law is adopted, a purely arbitrary and unscientific law enacted by a parliament of nonexperts. Those experts who have been forced to operate under that law declare it to be wrong in principle, and asserted to the members of the National Monetary Commission, who took their testimony, they believed it would be repealed. Why take the testimony of experts if we are going to ignore their advice? The French Parliament limits the amount of the notes the Bank of France may issue, but that law is constantly amended, so that the bank has never come within one billion francs of the legal limit, and the last statement we had it was more than two billion below such limit. Why have such a law? The Aldrich plan is right in not prescribing a limit to the note issue. Prof. Andre Liesse, the great French financial expert and author of The Evolution of Credit and Banks in France, says such limitation imposed on the Bank of France's note issue is wrong and does no good.

ALDRICH PLAN OVERCAPITALIZED.

The capital authorized under this plan is excessive for a new institution and could not be raised without the use of such force provided by the act. The authorized capital of such an institution should not exceed $150,000,000. It should begin business with a small capital, say, $5,000,000 or $10,000,000, and increase it from time to time as the business of the bank increases. Empower the Secretary of the Treasury to demand such increase as he believes is needed. At the beginning the central bank should make some strong and well controlled commercial bank in each of our cities its agent to discount commercial paper under proper safeguards. Have such agents countersign and guarantee the payment of all notes countersigned by it. That would be inexpensive and afford ample protection to all concerned.

LOCATION OF ALDRICH BANK MISTAKE.

We believe that the head or executive office of the central bank should be located at New York, the financial center of the country. If the manner of its control be as outlined heretofore by me, there should be no prejudice against that great city.

Very respectfully, yours, R. C. MILLIKEN.

POST OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes, with Mr. STEVENS of Minnesota in the chair.

The CHAIRMAN. The Clerk will report the amendment that was pending at the time the committee rose on yesterday.

Mr. WEEKS. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. The Clerk will report the paragraph to which the point of order was raised.

The Clerk read as follows:

For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferriage, Rural Delivery Service, $38,790,000: *Provided*, That not to exceed $20,000 of the amount hereby appropriated may be used for compensation of clerks in charge of substations: *Provided further*, That in the discretion of the Postmaster General the pay of the carrier on the water route on Lake Winnepesaukee who furnishes his own power boat for mail service during the summer months may be fixed at an amount not exceeding $900 in any one calendar year.

The CHAIRMAN. To this the gentleman from Illinois [Mr. MANN] made the point of order. Does the gentleman from Massachusetts desire to be heard upon the point of order?

Mr. MANN. Mr. Chairman, I understood the amendment was to be read for information.

The CHAIRMAN. Subsequently an amendment was submitted, to be read for information, by the gentleman from South Carolina [Mr. LEVER].

Mr. MANN. And I suppose he desires to be heard on it.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. I reserved the point of order. I understood the gentleman wished to be heard on the proposition that he submitted.

Mr. LEVER. As I understood it, the gentleman from Illinois made the point of order against the paragraph, and not against the amendment which I offered.

Mr. MANN. I reserved the point of order. If I had made the point of order, the gentleman's amendment might never be offered.

The CHAIRMAN. The question is not upon the proposed amendment of the gentleman from South Carolina, but to the paragraph of the bill.

Mr. SULLOWAY. Is the point of order reserved to the whole paragraph, may I ask?

The CHAIRMAN. The point of order was reserved to the paragraph that was first read by the Clerk, on page 30. Does the gentleman from Illinois [Mr. MANN] insist on his point of order on the paragraph on page 30 of the bill as read by the Clerk?

Mr. LEVER. Mr. Chairman, the gentleman from Illinois reserves a point of order on the paragraph, and asks me to make a statement as to my amendment.

Mr. BARTLETT of Georgia. The gentleman from Illinois [Mr. MANN] only reserved a point of order against the paragraph and not against the gentleman's amendment.

The CHAIRMAN. The Chair so understands. The question before the committee is against the paragraph on page 30 as read by the Clerk. A point of order was reserved by the gentleman from Illinois against the proviso.

Mr. MANN. I reserved a point of order on the paragraph.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. MANN. I understood the gentleman from South Carolina wanted me to reserve the point of order in order that he might be heard.

Mr. LEVER. That is true, Mr. Chairman, and I have been trying to get the attention of the Chair in order that I may make a statement.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. LEVER. Mr. Chairman, the amendment I desire to offer, and which was inserted in the RECORD for information, reads as follows:

Amend by inserting, in line 16, on page 30, after the word "dollars," the following:

"*Provided*, That no part of the foregoing sum shall be used in the payment of the salary of any rural carrier where such salary is less than $1,200 per year on a route of maximum length, and on a shorter route where the salary is less than proportional to that paid for a route of maximum length."

Mr. Chairman, as to the point of order on that proposition——

Mr. WEEKS. Mr. Chairman, as I understand the situation, debate is proceeding by unanimous consent.

The CHAIRMAN. Certainly. That is the proper understanding.

Mr. LEVER. The purpose of this amendment, Mr. Chairman, is to provide an increase in the salary of rural carriers. The effect of the amendment will be to hold up the appropriation for all rural delivery service unless legislation is enacted by Congress providing an increase in salaries for rural carriers. I am well aware of what the effect will be. The law now provides salaries for rural carriers. My amendment will have the effect of changing the existing law by forcing the Committee on Post Office and Post Roads to bring in a bill making the salaries of rural carriers conform to the amendment that I am offering. It is my understanding that there are, perhaps, not hundreds, but dozens, of bills before the Committee on the Post Office and Post Roads providing for increases in the salaries of rural carriers.

Mr. WEEKS. Will the gentleman yield?

Mr. LEVER. I will.

Mr. WEEKS. It is possible there are such bills, but those who have introduced the bills have not taken the trouble to call them up in the committee this year.

Mr. LEVER. Mr. Chairman, it is no excuse to say that gentlemen have not gone before the Post Office Committee and urged the passage of their bills. As for myself, personally, I do not happen to be the author of one of those bills. It is the duty of the Post Office Committee to consider all propositions before it upon their merits and not upon the pressure brought to bear upon the committee. If these propositions are meritorious within themselves, they ought to be reported to the House. If they are not meritorious, some action ought to be had saying so. Certainly the Post Office Committee will not escape responsibility by the contention that Members have not pressed this legislation, the fact being that they have urged it. The purpose of my amendment is to declare the sense of this Congress as to its position with reference to rural carriers' salaries. I take it that if the House shall pass this amendment—and I am satisfied it is not subject to a point of order—it seems to me that it will be direction to the Post Office Committee to act in conformity with the provisions of the amendment and bring in a bill providing for legislation which will make the salaries of rural carriers such as is provided in the amendment. Either that or the Post Office Committee will take upon itself the responsibility of absolutely holding up every rural delivery route in this country. I am confident in my own mind that the vast majority of the membership of this House believes in a substantial increase in the salaries of rural carriers, because

I take it that the vast majority of the membership of this House appreciates the hardships of these very faithful servants of the Government.

I am satisfied that the majority of us appreciate the fact that the rural carrier ought to be placed in point of salary upon a plane of equality with the city carrier, and I am confident that the sense of justice of this House will make the House almost unanimous in favor of legislation bringing about such a result as that. My amendment is offered for the purpose of getting the sense of this body upon that proposition. [Applause.]

The present salary of a rural carrier for a maximum route—one 24 miles in length—is $900, and for a shorter route in proportion. This amendment seeks to increase the salary to $1,200 for a maximum route and a proportional increase for shorter routes. This places the rural carrier somewhat on an equality with the city carrier as far as salary is concerned. The maximum salary of a city carrier is $1,200, and, in addition to this, if he uses a vehicle in the performance of his duty, receives an allowance averaging approximately $275 for the maintenance of his equipment, thus giving a salary of nearly $1,500.

Both city and rural carriers do splendid service, and their compensation should be in proportion to their service and in keeping with the increase in cost of living everywhere. The rural carrier must not be overlooked. He is a most deserving and hard-working employee of the Government, and as such is entitled to a fair and decent salary.

Mr. BARTLETT of Georgia. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT of Georgia. Mr. Chairman, I desire to have read an amendment which I propose to offer on this subject.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Amend by striking out in lines 14 and 15, page 30, the words "thirty-eight million seven hundred and ninety thousand" and insert "forty-two million eight hundred and eighty-seven thousand."

Mr. WEEKS. Mr. Chairman, on that I reserve the point of order.

Mr. BARTLETT of Georgia. I offer it to be read for information, and the gentleman can reserve his point of order.

The CHAIRMAN. The Chair understands the gentleman from Georgia had that read for information.

Mr. BARTLETT of Georgia. Now, on this general subject, that amendment I offer is to increase the salary of the rural carriers $100 a year, and is an increase in the appropriation of an amount sufficient to cover the number of carriers that are now in the service by adding to the salary of each $100 a year.

I find in this bill, and I find in the hearings before the Post Office Committee, large sums of money, amounting to about $490,000, where the Government makes allowances to carriers in the cities for horse hire, vehicles, and for automobile hire. I find also that in the services of the cities there are allowances made for street-car fare when the carriers who deliver the mail in the cities are compelled to use conveyances, automobiles, or street cars; yet this great service, that has grown unto such proportions by the insistent demand of the people and their Representatives on this floor that since the time I have been in Congress in the past 10 years it has grown from an appropriation of $30,000 to investigate the propriety of establishing the service to where we now readily contribute from the Public Treasury a sum of nearly $40,000,000 a year. These people who carry out this great undertaking of the Government, the rural carriers, are required to furnish their own horses and vehicles and to maintain them, and yet are paid hardly enough salary to maintain themselves and their families.

I call attention to the evidence given before the Committee on the Post Office and Post Roads during this session, which shows that the Postmaster General has had information obtained and has furnished it to this committee, showing the expense incurred by these carriers in the discharge of this important service of the Government, inaugurated for the benefit of that class of people who have not generally been special favorites of legislation. I read from the hearings:

LETTER FROM THE POSTMASTER GENERAL.

POST OFFICE DEPARTMENT,
Washington, D. C., December 20, 1910.

Hon. JOHN W. WEEKS,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

SIR: In compliance with your request to furnish the Committee on the Post Office and Post Roads of the House of Representatives information concerning changes in the rural and city letter-carrier forces for the years 1907, 1908, 1909, and 1910, inclusive, by States, a report on the cost of rural carriers' equipment, and information as to the various laws that have been enacted pertaining to the rural-delivery mail system, I have the honor to submit the following:

The data pertaining to changes in the rural and city letter-carrier forces have not been compiled by States, and if such compilation is desired for use by your committee it would require the employment of a considerable force of clerks for several weeks. I also have to state that information as to the number of carriers separated from the city-delivery service during the fiscal years 1907 and 1908 is not immediately available, but, if desired, can possibly be furnished in the course of several weeks.

	Carriers employed.	Resignations.	Removed.	Died.
RURAL LETTER CARRIERS.				
June 30, 1907	37,582	4,405	156	190
1908	39,143	2,124	165	178
1909	40,499	2,526	175	208
1910	40,997	4,035	228	187
CITY LETTER CARRIERS.				
June 30, 1907	24,577	.....	.....	.....
1908	26,352	.....	.....	.....
1909	27,620	368	194	189
1910	28,715	308	146	154

In January, 1910, a circular letter was sent by the Fourth Assistant Postmaster General to all postmasters at rural-delivery offices directing them to report for each carrier the following:

(1) Number of horses used by each carrier under ordinary conditions.

(2) Number of horses used when extraordinary conditions prevail, such as muddy roads, snow, etc., and the entire length of time during a year when such extra horses are used.

(3) If carrier regularly drives two horses throughout the year, state why.

(4) If the use of an extra horse, or horses, is necessary at times, what are the conditions which make it necessary.

(5) Prices paid for each horse and date of purchase.

(6) Price at which similar horses can be purchased at this time.

(7) Ascertain from dealers the average local prices prevailing during the last 12 months on various kinds of horse feed.

These reports were duly received, but owing to the fact that their compilation would require the employment of many clerks for a considerable period and to the pressure of other work of more importance, compilation has been made only for the State of Maryland, which is as follows:

On 151 routes from 50 post offices, 275 horses were used regularly, 51 extra horses being used on 44 routes.

The reported average value of 257 horses owned by carriers, $156.12.

The average price of these horses is shown to be $133.62.

The average price of horse feed shown by the compilation is as follows:

Corn	per bushel	$0.74
Oats	do	.59
Bran	per hundredweight	1.49
Chop	do	1.62
Hay	per ton	18.32
Straw	do	9.91

The department has not called for reports on the cost of carriers' vehicles, harness, repairs, shoeing, and veterinary services.

Respectfully,

FRANK H. HITCHCOCK,
Postmaster General.

I shall vote for any amendment that is permissible upon this bill that will pay these men a sufficient amount to enable them to live decently. The service has already been injured by resignations of many men. In my own district I have letters of complaint that the service is not paid sufficiently to enable the men to give their attention and their time and to save enough from it to decently support their families. According to the expense account rendered of these men to the Post Office Department, the feed of the horses, the purchase of the vehicles, and the expense of maintenance in many cases of two horses has been so great that in the past few years the carrier has received barely a subsistence for himself and his family. In the large cities—and I do not complain of it—these carriers are provided with means where they are required to use vehicles; they are made allowances for it. When they are required to have automobiles, allowances are made for it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of Georgia. I ask for two minutes.

Mr. WEEKS. I yield two minutes more to the gentleman from Georgia.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that he may continue for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT of Georgia. Now, Mr. Chairman, I would vote for an increase to $1,200 a year, but the effect of this amendment of mine simply makes an increase of $100, which will not more than feed the horses the carrier is compelled to have to aid in the discharge of his duties. In a number of cases they have to have two, and the increase will hardly feed the horses required to be used. It will not do to say that the carrier in some localities performs the service in a few hours and devotes the balance of his time to some other occupation. In

the country in which I live the carrier to travel 25 miles in the distribution of the mail can not, over the roads which we have—and they are as good as they are in any part of the country of a similar description to that in which I live—I say that he can not, after he has waited the arrival of the trains, deliver the mail to the patrons on the road and travel 25 miles in the discharge of that duty, delivering the mail, collecting it, and have any other work or business to which he can give any serious attention.

It is not so in my part of the country that the carrier devotes most of his time to some other kind of business. They have to devote all of their time to this business, which has been the greatest boon to that class of our citizens who carry on their shoulders the prosperity of our country.

Even the Postmaster General, who has not heretofore manifested any great friendship for this service, has this to say in his last report:

RURAL MAIL SERVICE.

Next to the heavy loss resulting from the low postage rate on second-class mail, the principal inroad into the profits of the postal service is that made by the excessive cost of rural delivery. The large expenditures for rural mail service are far more justifiable, however, than are the much heavier payments required to meet the losses incurred on account of second-class mail. Millions of dollars disbursed each year for the latter purpose are paid out chiefly for the benefit of a comparatively small class of publishers, while the appropriations annually granted to maintain and extend the rural-delivery system are expended in the interests of a vast population. The advantages of rural delivery are such as to warrant its further extension, even at a considerable loss to the Government. It is believed, however, that without checking the proper development of this branch of the postal service a material reduction can be made in the rate of expense incurred. The consolidation during the year of the star route and rural delivery systems will undoubtedly accomplish much in this direction. For some time past these two systems have provided practically the same kind of mail delivery, but as they were managed quite independently of each other much duplication of service resulted. Under the plan of consolidation recently put into effect the important postal facilities provided by these two systems can be extended with less expense to the Government, and with a probable gain in efficiency.

Not only in behalf of the men who perform this valuable service to our people, but in behalf of that great number of our people who receive this great benefit, I ask that this increase be allowed. The amendment proposed by me will increase the salary of the carrier to $1,000 per annum. I am satisfied this House will adopt this amendment, and when it has done so I hope the chairman of the Post Office Committee will consent to another amendment which I shall propose, that after July 1, 1911, the salary of the carrier shall be $1,000 per annum.

Fairness and justice to this class of Government employees demand this increase. For myself I would be willing to vote for $1,200. But for the present I will be content to accept an increase that will make the salary $1,000. Less than this is not a reasonable living salary, and I hope we may do that now. [Applause.]

Mr. WEEKS. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman——

Mr. KENDALL. How does the gentleman from Massachusetts yield time? He has no time to yield.

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto may end at a quarter past 1.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that debate on this paragraph and all amendments thereto may be closed at a quarter past 1. Is there objection?

Mr. HAMLIN. Reserving the right to object——

Mr. KENDALL. I reserve the right to object.

Mr. FOSTER of Illinois. I object.

The CHAIRMAN. Objection is made.

Mr. AUSTIN. Mr. Chairman——

The CHAIRMAN. Is there objection to the gentleman from Tennessee proceeding for five minutes?

Mr. HAMLIN. What is the request for unanimous consent?

The CHAIRMAN. This debate is proceeding by unanimous consent. The gentleman from Tennessee [Mr. AUSTIN] has made a request of the Chair that he be allowed to proceed for five minutes. The Chair agreed to submit that request to the committee. Is there objection?

Mr. CAMPBELL. I have no objection to the gentleman from Tennessee proceeding, but I went upon the assumption that the chairman of the Committee on the Post Office and Post Roads was controlling the time, and he yielded to me five minutes.

Mr. KENDALL. He had nothing to yield.

The CHAIRMAN. The gentleman from Massachusetts does not control the time. The Chair is recognizing those whom he has agreed to recognize. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, I feel it my duty to resent the insinuation of the chairman of the Committee on the Post Office and Post Roads in stating that the responsibility for failing to secure an increased salary for the rural-delivery carriers grows out of the fact that the Members who have bills looking to that increase had not appeared before the committee in behalf of their bills. I think if he will refresh his memory he will agree with the statement that during the last session of Congress a delegation of the Members of this House, who favored and proposed legislation along those lines, did appear before his committee——

Mr. WEEKS. Will the gentleman yield?

Mr. AUSTIN. In a moment.

Mr. WEEKS. I do not want to interrupt the gentleman without his permission, but I wish to ask, Did not the gentleman misunderstand the chairman of the committee? The chairman of the committee intended to say—and I think did say—that they had not appeared before the committee at this session of Congress.

Mr. AUSTIN. The insinuation or statement of the chairman was that this failure grew out of the fact that none of the Members advocating this legislation had appeared before the committee at this session of Congress. Now, during the last session of Congress about 15 Members of the House, who had introduced bills of this character, met, organized, and appointed a special committee to appear before the Committee on the Post Office and Post Roads, and urged an increase of salaries for the carriers. The committee gave us a patient, careful hearing on the merits of that proposition. They did not report a bill, and when we afterwards sought on the floor of the House to accomplish what we had endeavored to accomplish through our hearing before the committee we were met by points of order and opposition from certain members of the Committee on the Post Office and Post Roads. So the truth of the matter is, and the RECORD will sustain it, that the failure of the rural carriers of this country to get what they are entitled to—fair pay for their services—rests entirely with the Committee on the Post Office and Post Roads; and I resent the intimation or insinuation that failure to secure justice at the hands of this Congress should be placed at the door of the authors of these bills, who in absolute good faith made their honest, earnest appeals to the chairman of the Committee on the Post Office and Post Roads and the members of said committee. That committee will not report a single one of the bills either favorably or adversely, which would give us an opportunity on the floor of this House to vote an increase of pay for the rural carriers.

They will not report on our bills, but will take advantage of the rule of this House to interpose a point of order and prevent a vote and a fair consideration of the proposition which affects 40,000 of the hardest working and poorest paid men in the Government service to-day. If the committee will spend less time in blocking meritorious propositions of this kind by points of order and more in reporting bills to give the Members of this House opportunities to vote on them there would be less complaint at the failure of that committee to give us a square deal on this and similar propositions. If they were as active and as earnest in raising money for the Post Office Department by depriving the great express companies of monopolizing postal business they would have sufficient money to pay increased salaries of rural carriers. [Applause.]

Mr. HAMLIN. Mr. Chairman, I desire to have read in my time an amendment which perhaps I may offer before this paragraph is disposed of.

The Clerk read as follows:

Provided, That no part of said sum shall be available for the payment of salaries of rural letter carriers except upon the following basis: The salary of a carrier shall be computed upon a basis of 15 cents per route mile per week day, i. e., the number of miles in each route shall be multiplied by 18 cents, and that sum multiplied by the number of week days in the year, and that amount expressed in dollars and cents shall be the annual salary of said carrier, but which sum shall be paid to him in 12 equal installments, paid monthly.

Mr. HAMLIN. Mr. Chairman, I desire to have read in my time an amendment which, perhaps, I may offer before this paragraph is disposed of.

Mr. WEEKS. Mr. Chairman, I understand that is read simply for information.

Mr. HAMLIN. That is all.

The Clerk read as follows:

Provided, That no part of said sum shall be available for the payment of salaries of rural carriers except upon the following basis: The salary of a carrier shall be computed upon a basis of 18 per cent per route-mile per week day—i. e., the number of miles in each route shall be multiplied by 18 cents—and that amount expressed in dollars and cents shall be the annual salary of said carrier, but which sum shall be paid to him in 12 equal installments, paid monthly.

Mr. HAMLIN. Now, Mr. Chairman, I am decidedly in favor of an increase of the salaries of the rural letter carriers of this country. I believe their salaries ought to be increased, however, on a just and equitable basis, taking into consideration the number of miles traveled by each carrier each day. As the salaries are now fixed by the Post Office Department they are not fair, not just, not equitable to all carriers.

The Fourth Assistant Postmaster General informs me that the salaries as now fixed are as follows:

On routes 4 to 6 miles in length, $360 per year; on routes from 6 to 8 miles in length, $396; on routes 8 to 10 miles in length, $432; on routes 10 to 12 miles in length, $468; on routes 12 to 14 miles in length, $504; on routes 14 to 16 miles in length, $540; on routes 16 to 18 miles in length, $630; on routes 18 to 20 miles in length, $720; on routes 20 to 22 miles in length, $810; on routes 22 to 24 miles in length, $864; and on routes 24 miles and over, $900.

So you will see at a glance that the carrier on a route 4 to 6 miles in length receives more than one-third as much pay as the carrier on a route 24 to 26 miles in length. In other words, the carrier on the short route travels only one-fifth as far per day as the man on the long route, but receives more than one-third as much pay. It therefore appears to me that the salary on each route ought to be fixed according to the number of miles traveled; hence my amendment.

The Committee on the Post Office and Post Roads will not report a bill here increasing the salaries of these carriers for the reason, no doubt, that they are opposed to it, but I doubt not if the proposition could be put to a record vote in the House not one of them would have the courage to vote against the increase. But they take refuge behind a point of order to prevent a vote. I have no sympathy with such practice.

I agree with the gentlemen who just addressed the committee that there is no class of employees of the Government that is as poorly paid for the service actually performed as are rural letter carriers. Go out into the country, as I have done, especially in my section, and you will see that there are certain seasons of the year when these men are almost entirely prevented from performing their duties on account of the condition of the roads and the weather. And yet these men are faithful, they are loyal, they attempt to perform their duties, notwithstanding the storm, the mud, the cold, and the rain. In my own district I know of cases where the roads have become wellnigh impassable in the spring of the year; times, in fact, when it is impossible for them to travel with a horse, much less with a horse and buggy—conditions under which the ordinary man would feel furnished a sufficient excuse to neglect his duty, but not so with many of these loyal, brave boys, for I have known some of them to put the mail upon their backs and attempt to walk over their routes, leaving the roads, which are impassable, and crossing the fences and through the fields; traveling on foot as far as it was possible to go so as to return within the schedule time to their offices. Yet you deny these loyal servants a niggardly increase in pay.

I say that men who are loyal enough to perform their duties day by day under unfavorable as well as favorable conditions ought to be paid a salary commensurate with the service which they perform. Certainly, Mr. Chairman, there is no service performed by the National Government out of which the rural population gets as much direct benefit as the rural mail service. And this class of people are entitled to it, for this class of our population furnishes largely the major portion of the revenues of this Government. Therefore you can not urge against this service that it is not self-sustaining. We appropriate each year for the maintenance and the extension of this service only about $40,000,000, and much of that comes back to the Government in increased stamp cancellations, registers, and many other items incident to an enlarged use of the mails. But for the Navy Department, for instance, we appropriate each year about $130,000,000, not one cent of which finds its way back into the National Treasury.

Yet many of you raise no complaint about that. I am decidedly in favor of economy, but, Mr. Chairman, you know there are at least two kinds of economy, to wit, real and false, reasonable and unreasonable, economy. Let us see if you are in favor of real economy and if you are consistent and reasonable about it.

Only to-day it has developed that there is now on its way through Congress a provision put on the legislative, executive, and judicial appropriation bill raising the salary of the Secretary to the President from $6,000 to $10,000 a year. You also create a new office, to be known as Second Assistant Secretary of Commerce and Labor, and give him a salary of $5,000 a year. You also propose to increase the salary of the Librarian of Congress $500 a year and the Director of the Bureau of Standards $1,000 a year. And in your generosity you did not forget the Civil Service Commission. You propose to give it $5,000 additional each year with which to employ more expert examiners. Now, I would like to make this proposition, if you will guarantee that these expert examiners will be expert enough to discover one good and sufficient reason for the existence of the Civil Service Commission, I believe I would enter no objection to their employment. But feeling, I presume, that you have not yet fully demonstrated your generosity to the "interests" of the country, you now have reported to this House a bill which creates five new officers, known as members of a Tariff Board, four of whom shall each receive a salary of $7,000 a year, and one shall receive a salary of $7,500 a year, making a neat little salary roll for the five men of $35,500 a year. Yet, when we ask for a beggarly increase of $200 or $300 a year for the rural carriers you throw up your hands and tell us that it can not be allowed, the condition of the Treasury will not permit—that we must economize.

The chairman of the committee has said that if we were to let out these routes by contract we could no doubt get bids for carrying this mail at a cost less than we now pay these carriers. Perhaps that is true, and I have no doubt that if we were to let out the job of Congressman to the lowest bidder that there would be at least a million men who would offer to take our jobs at not over $100 a year, but if they were engaged what kind of service do you think would be rendered?

Mr. Chairman, the kind of economy of which I am in favor is to pay the employee of the Government a reasonable, just, and fair wage for the services he renders, and no more.

That is all I ask for the rural letter carriers, but this much I do ask.

Mr. CAMPBELL. Mr. Chairman, I can not bring myself to the idea that the appropriation for the maintenance of rural free delivery should be suspended if certain legislation is not enacted. I am not in favor of suspending the delivery of the rural mail on any pretext, but I am in favor of increasing the pay of rural carriers. Whatever the conditions may have been when the Rural Free Delivery Service was inaugurated, the fact now is that almost every rural carrier must have from two to three horses, and of course must feed and care for his horses at his own expense.

Everyone knows that horses are now so high that the rural carrier has an investment for his vehicle and his two or three horses of between $300 and $500. Horses sicken and die, and the carrier stands these losses constantly. On the other hand, as has been stated here, and it is true, there is no public servant who renders service that is more appreciated by a greater part of the people than the carrier of the rural mail. Whether the weather is fine and the roads good or whether the weather is bad and the roads poor, the carrier must go out and carry messages of cheer or sadness to the people along the lines of his route. He must go and return within a given time over the prescribed route every day. It will not be denied by any Member of the House that the pay is the lowest paid by the Government to its employees. The service rendered is worth the salary paid and more, but almost one-third of it must be paid out in expenses for horses, harness, vehicles, or automobiles. The amount of the salary now paid at least should be net to the carrier.

If I had my way about it I should fix a flat rate of $1,200 a year for every man on a rural route above 24 miles. I would do that in order to do justice to a faithful and deserving public servant. That would enable him to perform his duty as he is required by law to perform it, and leave him, above expenses, about what his salary now is.

Many of the rural carriers, where there are six or eight of them delivering out of a given post office, now make an arrangement with a livery-stable keeper for the use of horses every day that mail is carried, and they pay $1 a day for the use of these animals. That leaves them the small sum of about $45 a month for their services. Now, the requirements on their time are such that they can not do anything else. They can not be employed in any other capacity, and it is hard, as every man here knows, for a man to maintain a family on $45 a month in any town or village in the United States. The rural carrier must go out on the route every day whether he is well or ill and perform the service that is required for this small sum of money, and I submit that there is no demand made upon this floor for the increase of appropriation or an increase of salary that is more worthy than is the demand for an increase of salary for rural carriers.

Mr. SISSON. Mr. Chairman and gentlemen of the committee, I want to indorse the remarks made by the gentleman from Tennessee [Mr. AUSTIN], by stating that not only one Member of this House who introduced a bill went before the Post Office

Committee, but every Member of the House who introduced a bill went in a body before that committee. Not only that, but on several different days those of us who are friends of the rural carriers were last year before the Committee on the Post Office and Post Roads urging an increase. It is the same committee this year, and we made our appeal to this committee in vain. The gentleman from Tennessee is exactly right when he states that the gentleman from Massachusetts [Mr. WEEKS], the chairman of the committee, by his remarks, puts all of these gentlemen who introduced bills in a light which is not proper before the country. Since the Committee on the Post Office and Post Roads have assumed the responsibility of declining to report either of these bills, they ought not now try to evade that responsibility, but they should now assume that responsibility, because they can now bring out a bill if they will.

But, Mr. Chairman, there is another matter that I desire to call to the attention of the House in reference to the rural mail service. I do not know who is responsible for it. I know that I have been to the Post Office Department repeatedly, and have appealed to that department for simple justice. I know that I have appealed in vain. Some men say that the trouble is with the Postmaster General. Other men say that it is higher up, and that the order comes from the President of the United States. In any event, I know that in my section of the country, and especially in my State, about 100 rural routes have been approved and not one has been established. In my own district the star-route service has in some cases been discontinued, with the idea that it would soon be replaced with the rural service, and this extension of the service has been stopped by order of the Post Office Department, and in many sections of my district people are living from three and a half to as high as six and a half miles from a post office or from a rural route. We have petitioned the Post Office Department in vain. Notwithstanding the fact that this Congress appropriated last year a million and a quarter dollars for the extension of this service, and I am informed by a member of the committee that with what was left over there are $1,700,000 to the credit of this service, yet the people, with this mandate of Congress to extend rural service, are unable to get a single new route instituted, and the extension of this service has been practically stopped all over the United States, as I am informed. My information is that only a very few rural routes have been established in a year. I want to know what sort of autocratic power this is that ignores the manifest expression of this legislative body. Forsooth, upon what meat do these our Cæsars feed that they can ignore the express will and mandate of the House and the Senate in reference to the extension of this service, which commends itself to the House and the Senate? I think the country ought to know the reason for the demoralization of the mail service. I heard a gentleman say yesterday that the railway mail service out west was demoralized. I know that the rural service is demoralized; and it seems to me, from the reports, that the mail service all over the United States is in a most demoralized and chaotic condition. [Applause.]

Now I do not believe that the Post Office Department has the right to ignore the manifest wishes and express will of Congress in reference to this matter. I feel that this rural service ought to be continued and extended until every man can get mail at his own door. I want the people of our section of the country, who are clamoring to have this rural service continued and extended, to understand that the fault is not with Congress, but that the fault is with the Post Office Department, or with somebody higher up, so that the responsibility may rest where it belongs. [Applause.]

Mr. SULLOWAY. Mr. Chairman, I do not desire to speak upon this amendment or the point of order, but I wish to call the attention of the gentleman who has made the point of order against this provision to what is contained between lines 19 to 23, inclusive, in reference to the Lake Winnepesaukee route. This route is a water route, of course, and is a money getter. It yields, after paying the carrier the full amount of $900, six or seven hundred dollars a year net to the Government, and for that reason I hope whoever has made the point of order against this provision will not insist upon it. The route in that section, the Switzerland of America, in which this beautiful lake is situated, is inhabited during the summer season by business men from all sections of this country. They are mostly business men. Those islands that a short time ago had no residences upon them are now dotted over with fine mansions and populated by thousands and thousands of people during the summer season, and, as I say, they are mostly business men, and the mail is immense. My impression is that during the last summer season this carrier handled something like 240,000 or 250,000 pieces, and he handles more mail than the city from which he starts, Laconia, with a population of 10,000, handles in the whole year. There is not any expense to anybody; the discretion is entirely with the Postmaster General to allow him what he ought to have, not exceeding $900 a year. I am now asking the gentleman who makes the point of order against this provision not to insist upon it, and that is all I have to say in regard to the matter.

Mr. LEVER. Mr. Chairman, I again address the committee for the purpose of putting the effect of my amendment clearly to the House and of letting the committee know exactly what the amendment affects. I frankly confess that if this amendment passes, if the point of order is not sustained against it, that it will be necessary for the Post Office Committee to report a bill increasing the rural carriers' salaries to $1,200 per annum on the maximum routes and in proportion to that on routes of shorter length. Now, then, if the Post Office Committee fails to act, and if this House fails to act favorably upon the proposition of increasing salaries of rural carriers, the Rural Delivery Service temporarily is held up. But I think I know the game of men enough to know that the Post Office Committee and the House of Representatives will not dare, for the economy effected, by keeping salaries at $900 a year, to hold up for any length of time the Rural Delivery Service of this country. I therefore believe that the moment this House acts favorably upon this amendment you will find the Post Office Committee getting busy at once preparing a bill which will conform the salaries of rural carriers to the amendment thus adopted by the committee. I have no fear that those gentlemen of the committee will continue to sit idle upon this proposition, or, if not sitting idle, continue to act unfavorably upon the efforts of men throughout the country to give the rural carriers a decent living and a fair salary. The gentleman from Tennessee called attention to a fact I had forgotten, that last year a committee, representing a number of Members of Congress, appeared before the Post Office Committee and urged favorable consideration of the 40 or 50 bills pending there for increase in rural carriers' salaries.

Mr. FINLEY. Will the gentleman permit an interruption?

Mr. LEVER. Yes.

Mr. FINLEY. I wish to say to the gentleman that it will not be denied that in this Congress at this session the Post Office Committee by a majority vote did not increase the salaries of rural carriers to $1,050.

Mr. LEVER. I would like to ask my colleague, who is on the committee, in that connection——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I would just like one minute more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. I would like to ask my colleague, who is a member of the committee, if in his judgment the Committee on the Post Office and Post Roads and this House will dare to hold up the Rural Delivery Service because the committee will not increase the pay of the carriers throughout the country?

Mr. FINLEY. Mr. Chairman, I will say to the gentleman, my colleague, that I will not, but I am only a minority member of the committee. I am heartily in favor of increasing the salary of the carriers, and have done everything I could to bring it about, but I am in a minority.

Mr. LEVER. I want to say that this amendment is a "big stick" by which we hope to make the Post Office Committee act in conformity with the wishes of the majority of the Members of this House.

Mr. FINLEY. I can only speak for myself. I have supported the proposition for an increase of rural-carrier pay here and elsewhere.

Mr. BYRNS. Mr. Chairman, I desire to emphasize some of the remarks made by the gentleman from Mississippi [Mr. SISSON] with reference to the action of the Post Office Department in holding up the installation of new rural routes. There is a demand for this service coming from every section of the country. I know that it is true of sections in my State, Mr. Chairman, which are not provided with these routes. They request that routes be established and that the people be given the same privileges and the same benefits of this great service that other communities in the same section of the country are being given.

More than a year ago, when the Post Office Department was approached with reference to the matter, the reply came that they did not have money sufficient with which to establish these routes. At the last session of Congress this House answered that reply by appropriating money for the purpose of establishing new routes, and yet here, after the year has passed, we are in the same situation as before. Somebody, and I do

not know who it is, having authority in this matter, has seen fit to oppose the mandates of the House as expressed in the last appropriation bill, and refused to carry out its wishes by giving this service to those people who are entitled to it and are not now provided with it. I do not know, Mr. Chairman, who is responsible for it. For my part, I do not believe that it is the Fourth Assistant Postmaster General or those directly in charge of rural routes. I have a suspicion—in fact, I have received information to the effect—that it comes from those who are higher up.

Now, Mr. Chairman, I say that it is an injustice to people all over this country, and to people in my district who are not provided with this service, and who have met all the requirements of the law and of the Post-Office Department with reference to the establishment of rural routes, not to give them the same benefits that are being given to other sections and other people. There is now, for instance, in one single particular, a rural-route petition from citizens in one of the counties I represent, pending in the Post Office Department, which was approved nearly one year ago, after being carefully examined by an inspector. He reported that the petitioners had met all the requirements, and yet, notwithstanding repeated requests from me, made in response to numerous letters from patrons of the mails who are anxious to have this service established, we can not secure the installation of that route.

Now, Mr. Chairman, one other word with reference to the salaries of rural carriers. As a general proposition, I do not favor a raise in salaries, but I think it would be simply an act of justice to give the rural-route carrier a salary commensurate with the work he is doing and to enable him to support his family and send his children to school. [Applause.] The salaries of Members of Congress, Federal judges, and other higher officials were increased a few years ago, but when a proposition is made to increase the salary of the rural-route carrier or a clerk who receives a small wage which is barely sufficient to maintain him, the objection is heard that the Treasury will not admit of it. There is even now a proposition pending to still further increase the salaries of certain of the Federal judges. I am opposed to any such legislation. If we are to increase salaries, let us begin with the small-paid employee, and I favor increasing his salary only when justice demands it. As has been said here, Mr. Chairman, the rural route carrier has an expense that attaches possibly to no other employee of the Government; and I want to say that when you take his expenses and the work he does into consideration he is the poorest paid employee in the Government service to-day. It is necessary for him to carry the mails 25 or 26 miles every day over the hills and across the valleys, in all sorts of weather and under all sorts of conditions. He has to have at least two horses and sometimes three for the purpose of performing this service, and he has to pay for the care and feed for those horses out of his own pocket. I say that when he takes the expenses out of his salary—when he provides his own buggy, when he maintains it, and pays those expenses incidental to the work he performs—he has not enough, Mr. Chairman, with which to support his family. These men are good citizens. Speaking for my section, they are among the most loyal of our citizens. They are loyal servants of the Government, and I think it is the duty of Congress to see to it that they are at least given a modicum of the justice that is accorded to other employees of this Government. [Applause.]

Mr. GRONNA rose.

The CHAIRMAN. The gentleman from North Dakota [Mr. GRONNA] is recognized for five minutes.

Mr. GRONNA. Mr. Chairman, I offer an amendment, which I would like to have read for the information of the House.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

That on and after July 1, 1911, letter carriers of the Rural Delivery Service shall receive a salary of $1,020 per annum on routes of a distance more than 25 miles.

Mr. GRONNA. Mr. Chairman, I am in favor of increasing the rural carrier's salary to $1,200 per annum, but it is evident that the Committee on the Post Office and Post Roads will not accept any amendment that will materially increase the rural carrier's pay. I have therefore proposed the amendment just read, and offer it as an emergency measure. The amount asked for in this amendment is not what I believe the carrier should have or what he is entitled to, but it is perhaps all we can get at this time, and I hope the chairman of the committee will not make a point of order against an amendment to increase the carriers' pay $10 per month.

Everybody knows and admits that $900 per year is inadequate pay for the services the carrier must perform on a standard route, and in my State and many of the new States the carrier must travel 30 and 35 miles. If the route is less than 24 miles the carrier's pay is reduced, and I believe that it is only simple justice to pay the carrier extra for every mile over that of a standard 24-mile route.

Mr. Chairman, I fully indorse what other Members of the House have said in regard to the rural carrier being underpaid. The rural carriers are paid less for their services than any other men in the service of the Government. I have read a part of the hearings before the Committee on the Post Office and Post Roads, and I find in the testimony of the Fourth Assistant Postmaster General that he admits that the rural carrier's pay is inadequate; I believe that every Member of the committee will admit that the salary is too small.

Now, then, why should we practice this false economy, for that is all it is? The people are not complaining about the expenses incurred by the Post Office Department, but they are complaining about the service, and justly so. I said on this floor a year ago that more than a million people were denied mail service at that time; more than 2,000 routes that should have service were held up. I again make the statement that a great number of citizens of this country have inadequate postal service.

The Post Office Department was not established for profit. It was established for the purpose of giving the people the best possible mail service, whether the department is self-sustaining or not. It was undoubtedly the intention that all the people should have mail service, whether in the cities or in the rural districts. I have never opposed any move for increase of pay to city carriers; I do not believe they are overpaid; but I know that the rural carriers are underpaid.

Mr. Chairman, the Post Office Department is turning back into the Treasury this year $1,700,000—money appropriated by Congress for the maintenance and extension of the rural service. What right has the Post Office Department to refuse to carry out the mandate of Congress? It is a violation of law and a gross injustice to the people. There is in my State perhaps more than 150 routes that should have service—cases where all the requirements have been met and all the rules and regulations of the department complied with, but where the department has refused to use the money appropriated by Congress to put these routes into operation, in order that a showing of seeming economy may be made.

It is true that Congress has failed to increase the pay of the rural carriers, but it has provided for the maintenance and extension of the service. Last year $300,000 was turned back into the Treasury as unexpended balances, which could and should have been used by the department for the extension of the service. I say that this is false economy and not in compliance with the pledges in the Republican platform adopted at Chicago in 1908. This is what the platform contains:

We favor the extension of free rural mail delivery until every community in the land receives the full benefit of the postal service.

[Loud applause.]

[Mr. DOUGLAS addressed the Committee. See Appendix.]

Mr. SAUNDERS. Mr. Chairman, there are some applications for an increase of salary which possess little merit. There are others that are highly meritorious. The application on the part of the rural carriers belongs to the latter class. I will not pause to speak of the great work that is being done by these officials. Day in and day out, without regard to the weather, in storm and in sunshine, they deliver the mails in the country districts with unfailing regularity and with almost clocklike precision. They deserve well at the hands of the Government. All are agreed on that point. But what is it that constitutes the great merit of their application for a moderate increase of compensation? It is not alone that the increased cost of living has increased their domestic expenses of a purely household character.

This is true of all employees of the Government. It is true of all persons living on fixed salaries. But the situation of the rural carrier is a peculiar and exceptional one. Unlike most of the employees of the Government, he is required to furnish an equipment which constitutes a relatively large initial outlay when he enters the service; moreover, the upkeep of this equipment is considerable. In addition, the annual depreciation of his horses and vehicles is a material factor in the carrier's financial problem. A year ago a number of carriers submitted itemized statements, a sort of balance sheet, for six months. These statements came from different portions of the country, but having in mind the slightly varying cost of supplies, due to local conditions, they told a singularly uniform and concurrent story.

The total of actual expenses for six months ran from $212 to $271. The amount of salary in each case for the six months was $450. The net earnings ran from $179 to $237 for the time taken. Figures were also submitted for 42 States, showing the

average net earnings per month in each State and the average net earning throughout the United States. The average net earning per month in the country at large was $31.50, and the average net earning for six months was $189. This leaves the carrier, who is a qualified civil-service expert, less than $400 per year on which to live and with which to feed, clothe, and educate his family.

Now, this makes a much stronger case than that of the department clerk, who has no outfit to maintain, and who is affected in the increased cost of living merely in his domestic expenditures. I know the objection that many legislators have to an advance in salaries. They may admit merit in certain claims for an increase, but they are afraid to open the gates, lest the waters of a universal increase will wash them away. There is some merit in this attitude, for it is true that when we begin to advance salaries in any one department, or in any one section of the service, the omitted departments or sections will multiply their demands, and use the advances already made as an additional reason why their requests should be accorded.

But this attitude of universal opposition to any form of increase can not be indefinitely maintained. We must confront each situation on its merits. No one regarded the salaries originally attached to the rural carriers' positions as extravagant or excessive. With the lapse of time, and the rapidly advancing cost of living, they have become inadequate and insufficient. If this body was not unwilling or afraid to attach a reasonable salary to the place when it was established, we ought not to be either unwilling or afraid to afford a reasonable increase when the facts justify that action. I repeat what I said in the discussion of this proposition a year ago: The Government of the United States can not afford to be unjust. Be just, even though the political heavens should fall. Curtail your ambitious military and naval program, and you will have ample means with which to make glad the anxious and expectant hearts of this body of faithful public servants.

Mr. ASHBROOK. Mr. Chairman, I am willing and will be glad to vote for any of the several amendments pending to increase the pay of the rural carriers and to extend the service. The rural carriers, in my opinion, are the poorest paid of any of the Government employees and their service best appreciated by the people.

I hope the day is not far distant when all may enjoy its advantages.

I appeared before the Committee on the Post Office and Post Roads at the last session of this Congress with other Members to urge the favorable report of some of the many bills there pending, among the number my own. There was a manifest unfriendliness in that committee to any legislation looking toward the increase of salary now under consideration.

Some of the members looked with favor upon our efforts, but it was as plain as day that there was nothing doing in that committee. Just why I can not say; but it is apparent by the number of gentlemen who have to-day spoken and who are anxious to speak in favor of the same that the general sentiment on the floor of this House is in favor of an extension of the rural service, with better pay.

I took occasion to examine many of the reports then on exhibition to the committee from carriers in every section, as furnished by Mr. Brown, the editor of the Rural Free Delivery News, as to the cost of keeping up and maintaining their equipment. A carrier who has a maximum route must keep two horses. A team of horses can not be fed and conveyances kept up, with reasonable allowance for wear and tear and depreciation, for $1 per day; probably $1.50 would not be far from fair. What does that give the carrier for the support of himself and family? Less than he can make by the day at common labor.

These carriers, aside from being good citizens, are, as a rule, men of more than ordinary intelligence, capable of commanding good wages. They have no snap, no time to engage in other pursuits. I know that the carriers in my home town devote their whole time to their duties as carriers and to no other purpose. I believe this is true in every section where the route is 25 miles or more in length. I am in favor of economy and retrenchment where there is opportunity, but certainly, gentlemen, these faithful servants of the people are entitled to and should receive an additional allowance, and I trust that this Congress will not let the opportunity pass by.

Mr. MILLER of Kansas. Mr. Chairman, as the amendment of the gentleman from Georgia is practically the same as the one offered by myself last year, and if adopted would have the effect of having made provision for the increase of salaries of rural-route carriers $100 per year, I am glad to support the amendment; but, Mr. Chairman, since the chairman of the committee has offered his amendment, which provides for an increase of salaries which will do an act of justice to a most worthy class of people, and to that class, too, who for the amount of service rendered and the character of the service considered, receive the smallest pay of any employees of the Government; I congratulate the chairman of the committee on the spirit he has manifested in this matter, and congratulate the gentleman from Illinois [Mr. MANN] for an exhibition of willingness on his part to withdraw the point of order and thus permit the House to do an act of justice that has already been too long delayed. I most heartily approve of the amendment of the chairman of the committee and will give it my earnest support, thus giving to the carriers on rural routes $1,000 per year.

Mr. GOULDEN. Mr. Chairman, the many proposed amendments and the heated discussion regarding the rural free-delivery carriers proves conclusively the interest of the country in this useful class of public servants.

Speaking from a practical knowledge of the work done by these men, in my judgment, they, as well as the city carriers, should be paid decent living salaries. No class of officials so well earn the wages paid them as our letter carriers, and none come into such close personal relations with the people. I am in favor of doing justice to all the employees of the Government, and especially the men in the great Post Office Department. The laborer is worthy of his hire. However, I did not rise to discuss so self-evident a proposition, but to ask unanimous consent to print in the RECORD an excerpt of the Daily Consular and Trade Reports, issued by the Department of Commerce and Labor, which is a statement of the American consul at Prague, showing the improper use of the American flag as an advertisement on goods made and sold in Austria, as well as other European countries, with the hope that the Department of State will take cognizance of the matter:

[Daily Consular and Trade Reports, Monday, Jan. 16, 1911.]

MERCANTILE SALES SYSTEMS IN BOHEMIA.

(From Consul Joseph I. Brittain, Prague, Austria.)

I visited a leading stationery store in Prague recently and inquired whether a certain brand of writing paper was manufactured in the United States, the boxes being decorated with United States flags printed on the covers, and the labels printed in English. The proprietor informed me that the paper was made in Paris after an American pattern.

Another business establishment, profusely decorated with American flags, is selling typewriters made in Germany after an American pattern. The German factory making these machines prints the name of the machine in German for the German trade, and in Czech (Bohemian) for the Czech customers.

Many of the shoe stores have the American flag displayed on or near Austrian-made shoes. Possibly these stores have in stock a few pairs of American-made shoes. Another house sells imitation diamonds and other cheap jewelry, advertising as an American concern, while another displays the sign "Anglo-American Co.," where neither American nor English capital is invested.

WHY NOT GIVE THE BOHEMIANS AMERICAN MANUFACTURES?

If the sale of foreign-made merchandise is facilitated by advertising it as American, certainly the genuine should sell better than the imitation. There is an excellent opportunity here to sell American merchandise, Prague being the trade center of Bohemia and Bohemia being the industrial center of Austria; but these goods should, so far as possible, be sold in stores selling exclusively a line of American merchandise. Where this has been done the sale of American merchandise has rapidly increased; for example, such lines as shoes, sewing machines, typewriters, cash registers, heating stoves, etc. Naturally where the articles are small and the sales limited there can not be exclusive stores.

HOW AMERICANS RETARD THEIR OWN TRADE.

Recently a general agent for an excellent moderate-priced American typewriter visited Prague, and I tried to prevail upon him to establish a direct agency here instead of making it a subagency of Vienna, but the general agency was given to persons in Vienna. Prague, with 80 per cent of the inhabitants speaking a different language from the Viennese, was made a subagency, and this subagency placed with a banking firm, instead of giving it to an experienced person acquainted with the typewriter. These machines are sold in the United States at $65 retail, while the Prague agent is asking $132, a price in excess of that asked for the highest grade American standard machines in Prague. If these machines were sold here at $70, or 350 crowns, which would be adding $5 for duty and freight, or even at $80, and sold by an active agent, having at heart the welfare of the American manufacturer, 300 to 500 machines should be sold each year, but this can not be done by inexperienced salesmen asking twice the price at which they are sold in the United States.

AMERICAN HEATING STOVES IN PRAGUE.

A firm recently established here to sell American heating stoves is selling upward of 500 annually, and stoves are among the most difficult articles to sell in Bohemia, because, on account of their weight, transportation is difficult, and each room of every apartment house must contain a stove when the house is finished, and for hundreds of years these stoves have been made of tile. A conservative people are not quick to change a long-established custom, but when the agent tells the customer, and proves his assertion, that the American reservoir stove will heat closer to the floor, and that one of his American base-burners will heat more space than three of the old-fashioned tile stoves, which must be fired each day, his statement is convincing.

There is no better field in Europe for the sale of American merchandise than Bohemia, for it is the great industrial center of Austria. Prague, with its 500,000 population, is an excellent distributing point. If American manufacturers were to apply American methods in attempting to sell their wares in Bohemia, their sales would increase 100 per cent, but the antiquated letter and printed circular in English will not accomplish this.

Mr. EDWARDS of Georgia. Mr. Chairman, where does the opposition to this increase come from? The speeches made on both sides of the House yesterday and to-day clearly indicate that the sentiment of the Representatives is in favor of increasing the salaries of these rural carriers. The opposition evidently comes from the majority members of the committee. It is a well-known fact that the minority members of this committee are in favor of an increase for the rural carriers. From the information that has been given here this morning and yesterday upon this subject, it is plainly evident that the present administration is not friendly to the rural service. Here we have the extension of the rural service practically prevented, with large appropriations to extend the service, and yet but few routes were created last year—with a million or more dollars left to the credit of the service and no material extension of the service. Now, Mr. Chairman, we have but to take cases that exist in my own district as an illustration: In the city of Savannah city mail carriers receive fairly good salaries, far in excess of the salaries of the rural carriers. You leave the city of Savannah, where the men carry the mail for four or five hours in the day, and draw fairly good salaries upon which to live. Then go out in the country and you meet with the rural carriers, keeping up their own vehicles, horses, and equipment, and maintaining themselves as best they can on meager salaries. I say it is a gross discrimination against the people of the country and against the rural carriers. I for one, as a Member of this House, will never again vote for an increase in any department of the Post Office until the rural mail carriers have proper recognition here. [Loud applause.]

Mr. ADAMSON. Mr. Chairman, I have expressed my views so often on this subject, with so little effect, and there is such a demand for recognition, that I am loth to occupy the time of the Committee of the Whole; but I do wish to enter my protest one more time against that kind of economy that will impair the efficiency of the best branch of the postal service under a false and misplaced cry of diminishing the expenditures of the Government. I shall support the amendment of the gentleman from Georgia [Mr. BARTLETT]. I will support any proposition to increase the salaries of the rural letter carriers, those most faithful servants of the people, and any proposition that will make sure of sending them to the door of every American citizen with the mail.

I would like also to relax the restrictive rule of false economy enough to equalize the injustice in the system. Under an iniquitous gradation of 2 miles instead of a quarter of a mile almost every rural letter carrier I know is being robbed. Those who go more than 24 miles are sent the additional distance without scruple, because it does not cost anything. Those who have routes of less than 24 miles very often have 200 yards cut off in order that the pay for 2 miles may be saved. This great Government does not need to rob its faithful servants in that way, and there is no use for us to say that we are bound down by limitations and conditions that prevent us from remedying these things. We go to the department, and the department says, "We can not do these things, because the appropriation is not big enough." Then, we come here to the committee, and the committee says, "The department has recommended so and so." Fie on such double dealing! [Applause.] We know how, and we often find ways to do what we want, and I proclaim to the country now and to you, my comrades, here, if you want to remedy this evil and pay these people more, there is a way for us to do it, and I am willing to help you. [Applause.] Let us do something to-day. [Applause.]

Mr. CULLOP. Mr. Chairman, if there is any one department more than another in this Government that ought to be encouraged and made of great usefulness to the people it is the Post Office Department. It comes nearer serving all of the people than any other department of the Government, and yet here are a class of Government employees who are working practically for starvation wages. Many of them ought to receive much greater pay than that which is given to them for the services they render.

Now, it seems to be the policy of economy of the majority in this House to reduce the pay and economize on that branch of the Government which is of greatest use and most convenience to the people. You have raised the salary of the President $25,000 a year. You have raised the salary of every Cabinet officer, including the Postmaster General, $4,000 a year; you have raised the salary of every big office holder, many of whom ought not to have had their salaries increased; and yet these men, who undergo the great exposure and the severe labors that they have to perform, have had no increase in their salaries. They have not received fair and proper consideration at the hands of Congress, but have been neglected. Other increases have been made for the reason assigned that the cost of living has increased, so that the increases have been made necessary. The cost of living for these men has likewise increased, and yet no increase whatever has been made in their salaries. They serve a class of people to whom no other convenience of this Government is extended—the people in the country. They have few of the conveniences which are enjoyed by the people who live in cities, and these employees serve that class of people who receive no other visible benefit from the Government.

You are expending a large amount of money for building battleships and improving the Navy. You had better increase the expenditures to bring to the people of this country a knowledge of what is going on in the country. Expand their opportunities and better their facilities to keep in touch with all the world and improve the condition of the people who support the Government by paying the taxes levied. It will be much better expended for that purpose than any other. [Applause.]

Mr. Chairman, last year there was an appropriation made to extend this line of service. For some reason this Government has refused to use that money for the purpose for which it was appropriated. Is this the kind of economy that you intend to practice, in order to go before the country and claim that you are using economy in the appropriations? What right has any department of this Government, however big it may be, to refuse to carry out the mandates of Congress, when money has been appropriated for a specified purpose, as was done in this case? [Applause.]

I am an advocate of economy and thoroughly believe it should be scrupulously practiced in all public service, but it is not wise to cripple public service by parsimony and discrimination against any class of public servants or any class of people. This is being done in this department, and a large number of the people of the Government suffer on account thereof. They are denied important public service, and the men who perform this very valuable service are not adequately compensated for their labors.

Mr. Chairman, this bill carries an appropriation for the carrying of the mails by the railroads alone of over $56,000,000, an enormous sum. It is conceded it is a very liberal sum for the services rendered. The truth is it is an exorbitant allowance, unjustifiable according to good business methods, and deserves condemnation. This is so because it seems the railroads are favored by the party in power and can secure more liberal consideration at its hands than can the people or almost any other business institution. This is unjust and unwarranted, but it prevails, and is so strongly fortified that it can not, it seems, be corrected. It is conceded it should be, but we are powerless to do it. It would be wise, in my judgment, that from this enormous sum appropriated deductions be made sufficient to reduce it to a reasonable and fair compensation and the difference applied to increase the pay of these men whose services are important, whose exposures are great, and whose labors are arduous, in order that simple justice and fair dealing may prevail in the Government service. For fair treatment for them I appeal to-day, and hope my appeal shall not be made in vain. [Applause.] We owe it to them, we owe it to the country, we owe it to the good administration of public affairs that correction in this matter be made. [Applause.]

Now, Mr. Chairman, I am in favor of increasing the pay of these employees and, if need be, cut down the salaries of some of the other employees who have more lucrative jobs than have these men who undertake the very hardest toil that is performed in the Government service and fulfill an important function for the people. [Applause.]

[Mr. STEENERSON addressed the committee. See Appendix.]

Mr. HUGHES of Georgia. Mr. Chairman, the numerous amendments presented before this House clearly indicate the importance of the question now under consideration. The maximum salary of the rural free-delivery carrier is $900. From this amount he is required to furnish his own equipment. From 7,000 carriers, embracing almost every congressional district in this Union, it has been discovered that the net earnings per carrier is only $31.50 per month, which is far less than a common laborer receives. These carriers are required to stand an examination before they can be accepted as being eligible, and not only that, but they must furnish certificates of good character. In that connection I desire to say in behalf of this great army of 40,000 carriers that during the last fiscal year there were only 175 who were discharged for cause, being about four-tenths of 1 per cent, whereas among the 60,000 postmasters of this great nation there were 1,000 who were discharged for cause, or 1.6 per cent.

Mr. Chairman, in order to make the system perfect it is necessary to retain the trained men. I wish to say this, that in 1908 there were 344 changes; in 1909, 484 changes, which was 40 per cent. In the first three months of 1910 there were nearly 1,500 changes, whereas in the first three months of the preceding year there were 776, being nearly 100 per cent. That clearly indicates that the gentlemen on this service are not being paid according to the amount of work that they are doing, and I sincerely hope that this salary will be increased to an amount commensurate with the service they render. [Applause.]

Mr. CANDLER. Mr. Chairman, it is not my purpose to delay the House long in what I shall have to say on this subject. It is a well-known fact that since I have had the honor to have a seat upon the floor of this House I have been an earnest advocate and supporter of the Rural Delivery Service, its extension and development. It was the first and, indeed, almost the only great benefit that has been bestowed upon the people who live in the country throughout this great Republic. It came to them as a blessing at the time that it did come. It has continued to be a blessing from that hour up to the present time. Some of the sections of the country have been provided for very liberally, they have been threaded with routes so that they are now well covered, and practically every citizen is given the service. I do not believe there should be any distinction made in any of the different sections of the country, as between the citizens of this Republic, but that each and all should receive the blessings at the hands of the Government alike. Therefore, in the sections of the country wherever they may be—North, South, East, or West—that are not now receiving this service in the way and to the extent it has been received in other parts of the country, there should be a change made, and those sections should receive service equal with other sections of the country. It has been said that routes are being held up when they have been approved, when every regulation of the department has been complied with, and where everything has been done by the people which the law or the department requires, and yet the service has not been given to them. It seems to me it is an injustice which can not be condoned and which ought not to be further permitted.

It was said a moment ago that there were 1,054 routes standing approved in the department that are not being put in operation. The money was appropriated to put at least a great many into operation, but with a view of economy the money was not expended, and was said to have been returned to the Treasury in order to reduce the deficit in the Post Office Department. I believe in economy as much as anybody in the world, but I do not believe in economy that does not economize for the benefit of the people of the country. Instead of economizing for their benefit such conduct as that only economizes to their injury. When the money is given to the department for the purpose, then the executive department has no right to refuse to expend the money, because it is the duty of the executive department to execute the law and not to make law. [Applause.]

Mr. Chairman, there is no interest in all this land that contributes as much to the Government and to its support, prosperity, and development as the agricultural interests, and this service is especially given for the benefit of the agricultural people of the United States. The department has said that there are no more efficient and faithful servants in the employ of the Government, if as efficient and faithful, than the rural-delivery carriers. The record shows they have been faithful and efficient, that they are honest, patriotic, and loyal. They go from early morn until the late hours of the evening in the discharge of their duties; whether it be sunshine or rain, sleet or snow, you will find them at their posts doing what the law requires to be done and complying with every obligation that rests upon them.

They are efficient and they are faithful, and, as has been said upon this floor, they are underpaid, and I dare say there is not a man here or elsewhere who will contradict it. They are not paid in accordance with the amount of work which they perform. Then when they are efficient, when they are faithful, and when they are laboring in the interest of the people of this country who contribute most to the welfare and development of the Republic, why should we stand and refuse them their just deserts? We are the servants of the people and not the lords of the people, and if we are to respond to their requests and to their interests and for their development and for their welfare we can not respond any better than to come to the rescue of these faithful servants and efficient officers who serve the people from day to day and who discharge every duty incumbent upon them in the interest and welfare of all the people. [Loud applause.]

Mr. COX of Indiana. Mr. Chairman, if I remember the record correctly, there is an amendment pending, offered by the gentleman from South Carolina [Mr. LEVER], which, if adopted, will increase the salary to $1,200 a year. An amendment, offered by the gentleman from Georgia, read for information, would increase the salary of the rural route carrier $100 a year. I have been opposed to the incease of salary of any man since I have been here, yet when it is going on every day almost in some way or manner, and believing that the rural-route carriers are a deserving class of people, I am of opinion that their salaries ought to be increased to some extent. If the amendment should obtain, as offered by the gentleman from South Carolina, it will ultimately increase the appropriation $12,000,000. If the amendment of the gentleman from Georgia should obtain, it will increase the appropriation $4,000,000, and will increase the salary of each rural route carrier to the amount of $100 a year. On yesterday this House, in my judgment, did some splendid legislation for the relief of a deserving class of postal employees, the railway postal clerks, and, going back a few years ago, Congress began then to look after the interest of that class of employees by increasing their salary, and at the same time taking care of the relatives of the deceased by paying to the personal representative $1,000. Recently that amount of money was doubled. Yesterday the House undertook to take care of that class of men by looking after the cars in which they are engaged at work, and the legislation that the House enacted will redound to their special interest and give more protection and benefit to that class of people. Here is a class of people that the Congress of the United States has not looked after so carefully, and that is the rural-route carrier, and of all the class of men now in the Post Office Department that class of men reach more people than any class of people in the Postal Department can reach.

Mr. MANN. Will the gentleman yield for a question?

Mr. COX of Indiana. Certainly.

Mr. MANN. The gentleman has suggested there ought to be some increase in the salaries of the rural free-delivery carriers, and I agree with him in that. The gentleman has suggested an increase of $100 a year. As far as I am concerned, if I can feel any assurance there will be an increase of $100 a year at this time, and only $100 a year, I would not make any point of order upon the paragraph or upon the proposition.

Mr. COX of Indiana. I think that can be arranged.

Mr. FINLEY. We will accept that and stand by it. This side of the House will accept that.

Mr. KENDALL. Will the gentleman yield?

Mr. MANN. For a question.

Mr. KENDALL. I have not any question, but I was about to say I hope the gentlemen who have presented amendments to increase the salaries will accept the proposition of the gentleman from Illinois.

Mr. BARTLETT of Georgia. May I interrupt in the time of the gentleman?

Mr. MANN. We will get it extended.

Mr. BARTLETT of Georgia. I want to say, Mr. Chairman, that the amendment I offered was to increase the amount appropriated $100 for each rural carrier according to the number reported by the Postmaster General in the hearings before the Committee on the Post Office and Post Roads. Of course I was aware that would not necessarily authorize and compel the Postmaster General to pay it. I was in hopes, however, if the House did adopt my amendment increasing the amount sufficient to give each carrier $100 a year in addition to what he is now receiving, to wit, $900, making the salary $1,000 per annum——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Indiana be extended five minutes, as we have taken up his time.

Mr. COX of Indiana. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COX of Indiana. The rural-route service has done more to develop this country than any other service ever inaugurated by the Government. It has annihilated distance, brought the country and the great cities, the centers of trade and commerce, in close touch with each other. It has disseminated knowledge and information throughout the land. It keeps in touch the great bodies of consumers and producers living in cities and the country. In short, the rural-route service is a schoolhouse on wheels, and this class of men, through storm and sunshine, heat and cold, braving the elements of peril and danger, continue their ever-increasing labor, conveying this information throughout the land, and for myself, I willingly vote

for this small increase of salary. The carriers in cities, with no expense whatever and working much shorter hours, receive salaries from $900 to $1,200 per year. Why not recognize the modest demand for this small increase, and let them have it?

Mr. Chairman, in this connection I can not refrain from saying a few things in regard to the establishment of rural delivery routes. There are now a little over 41,000 rural routes in operation, and many hundreds of petitions are now pending in the department undisposed of. Why? Is it in the interest of economy, or can it be possibly due to the fact that the present Postmaster General is opposed to a further extension of this service? I trust not to the latter fact. Yet Congress appropriated nearly $2,000,000 to further this service, but the Postmaster General has persistently refused to obey the mandates of Congress, and in the interest of economy or some other motive has refused to expend the money thus appropriated.

Mr. Chairman, every dollar is appropriated in this bill to carry the mail to the door of people living in cities from three to eight deliveries each day, with an army of letter carriers engaged in carrying this mail to the door of people living in cities, while the country fellow only asks one delivery each working day of the week, and failure to go ahead and complete this work is denying to the people living in the country equal and exact justice. Last year we were told that the department could not do this work for lack of money; in answer to this Congress then gave the department all the money needed for the work, but the department refused to expend it. Mr. Chairman, there is money enough in this bill to establish more than 1,600 routes for the coming year. Will they be established? Let the department answer; the country will patiently wait, but if it does not establish these routes, the responsibility will rest on the department and not on Congress.

Mr. BARTLETT of Georgia. May I interrupt the gentleman further?

Mr. COX of Indiana. You may.

Mr. BARTLETT of Georgia. I was in hopes that if that amendment was adopted the chairman of the Post Office Committee would permit the House to adopt an amendment fixing these salaries after July 1, 1911, at $1,000.

Mr. COX of Indiana. By law?

Mr. BARTLETT of Georgia. By law.

Mr. MANN. Of course it would be subject to a point of order, and the only way to do it would be to fix it all at once.

Mr. BARTLETT of Georgia. I would be content to have it fixed by law at $1,000. That is an increase of $100 a year.

Mr. COX of Indiana. If it increased by $100, it ought to be increased by law, against which no point of order could be raised whatever at all in the future. Congress would know in the future what the salary of the rural-route carrier would be, and the committee would be in a position to make its appropriations accordingly.

Mr. MANN. Mr. Chairman, I understand there are some other gentlemen who are very anxious to be heard first on the proposition, and when they are ready we can come to an agreement, I think, without difficulty.

Mr. BARTLETT of Georgia. I hope they will come to their agreement without further discussion. If we can get the agreement, it will be worth more than all the talk we can give to it.

Mr. MANN. This would fix the law at $1,000. Of course, next Congress can raise it as it pleases.

Mr. CLAYTON. I would agree to it upon the principle that if we can not get a whole loaf let us take what we can get.

Mr. MARTIN of Colorado. I would like to say to the gentleman from Indiana, in view of the fact that he is a member of the committee, I notice that the bill last year was increased $1,215,000 by the House over the amount fixed in the bill as reported by the committee, increasing it from $37,645,000 to $38,860,000. Now, this year the committee recommends a reduction of $70,000. What were the conditions developing which justified this reduction on the part of the committee?

Mr. COX of Indiana. The amount of money that was appropriated last year was not used at all.

Mr. BARTLETT of Georgia. The Postmaster General just refused to carry out the law. That is all there is to it.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WEEKS], chairman of the committee, is recognized.

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that all Members have an opportunity to extend their remarks on this subject for five legislative days.

Mr. MANN. The Committee of the Whole can not grant that request. Of course, if it is done in the House, nobody will object to it.

Mr. WEEKS. I will make the request when we go into the House.

Mr. LANGLEY. Regardless of whether they have spoken on the bill or not?

Mr. WEEKS. Yes.

Mr. Chairman, there are two propositions that have been discussed on the floor this morning relating to this subject. One is the pay of rural carriers and the other is the extension of rural routes. Gentlemen have complained because the money that was appropriated last year, not for the pay of carriers but for the extensions of routes, has not been entirely spent. That is true. Neither was the entire amount appropriated for other purposes entirely spent, but there are reasons that would appeal, I think, to sane men why the Government should be and has been careful in its expenditures during the last 18 months. Everybody knows that the Treasury is in more or less distress, and while this is not the entire reason or only reason, it is true that the administration has directed that expenditures, and especially expenditures for new purposes, should be limited as far as possible——

Mr. BARTLETT of Georgia. May I interrupt the gentleman just a second to call his attention to the fact that the Fourth Assistant Postmaster General, before his committee, in giving the reason why this service was not extended, said that—

There has not been any lack of funds.

You evidently misunderstood me.

Mr. WEEKS. If the gentleman from Georgia had listened to me, I stated when I commenced my remarks that there had been sufficient funds appropriated, but we simply appropriate money, the department spends it; and it is fair to say for the department, while it has provided for the service that was already established, as it should, it has not extended this service for several reasons, one for economical reasons, but another reason is because the star-route service has recently been transferred to the Fourth Assistant Postmaster General's office. There has been more or less conflict between the star-route and the rural-delivery services, and as soon as possible after bringing them together investigations have been made which have resulted in showing where some part of the service could be cut out. In one section $56,000 has been saved in the star-route service by bringing about this consolidation.

And they have just commenced. It is probable that a large amount of money can be saved in similar cases. But there are other reasons. The routes are not as good as they were originally. At first they found 150 and sometimes 200 families on a standard route. Now the average number in an application is 75 to 100 families. Unless the carrier collects and delivers 5,000 pieces of mail in a month, it is not considered a first-class route. In many of these cases they have taken time to find out whether it was desirable that the route should be established.

Mr. BURNETT. Will the gentleman allow me to ask him a question?

Mr. WEEKS. I yield to the gentleman.

Mr. BURNETT. Will the gentleman state how many new routes were installed?

Mr. WEEKS. There were installed during the year ending June 30, 1910, 451 routes, net, and there were installed during the first five months of this year, up to the 30th of November, 153 routes.

Mr. BURNETT. Will the gentleman state how many of these routes were installed in districts represented by Democrats?

Mr. WEEKS. I will. It is in the hearings. These 153 routes installed last year were in 37 different States; just as many in Democratic States as in Republican States, with the exception that the States of North Dakota and South Dakota had a very large portion of these new routes installed, for the reason that this section has been developing rapidly, and they have had less routes than other similar communities.

Mr. BURNETT. Does the gentleman state that the RECORD shows the districts that have gotten the new routes?

Mr. WEEKS. The States are given in the hearings, and I will put it in the RECORD if anybody wants it.

Mr. BURNETT. I would be very glad if the gentleman will do so.

The statement is as follows:

Arkansas, 1; California, 4; Colorado, 2; Connecticut, 3; Florida, 1; Georgia, 4; Idaho, 5; Illinois, 6; Indiana, 1; Iowa, 2; Kansas, 5; Louisiana, 4; Maine, 1; Maryland, 1; Massachusetts, 1; Michigan, 2; Minnesota, 5; Mississippi, 3; Missouri, 6; Montana, 1; Nebraska, 1; New Hampshire, 3; New York, 9; North Carolina, 4; North Dakota, 39; Ohio, 1; Oregon, 1; Pennsylvania, 3; South Carolina, 2; South Dakota, 16; Tennessee, 2; Texas, 3; Vermont, 1; Washington, 6; West Virginia, 1; Wisconsin, 2; and Wyoming, 1.

Mr. WEEKS. I would be glad to go on and continue my statement.

We have provided in this bill for the installation of 1,237 routes between the 1st of January this year and the 30th of next June. We have provided——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for 10 minutes.

Mr. BARTLETT of Georgia. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the gentleman from Massachusetts may be permitted to proceed until he concludes his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. WEEKS. We have provided in this bill for the conduct of the service as now established. We have provided for the installation of 1,237 routes between the 1st of January this year and the 30th of June this year. We have provided for 1,000 additional routes between the 1st of July this year and the 1st of July, 1912, or we have made provision for 2,237 additional routes in the next 18 months.

The committee has not recommended any change in the salaries of rural carriers. Last year we inserted in the bill a provision authorizing an investigation of this service, and asking the department to furnish the committee and Congress with suitable information on which to provide for a reorganization of the service. There is no doubt in the minds of anyone that some men in this service are performing their duties at a less salary than they should receive.

There is no doubt in the minds of those who have investigated the subject that some men in this service are receiving all the salary the service they perform entitles them to. It is an uneven service. In all sections of the country the weather, the cost of feed, the condition of the roads affect the service. I wish to say that where the roads are good, in a temperate climate, a man may cover his route in one-half the time that it requires in a mountainous section, where the roads are bad. In other words, what would be a fair compensation in a level country, with good roads and a temperate climate would be an unfair compensation in another section; and the committee has been unwilling to recommend a horizontal increase of these salaries. I sent an automobile in my own district over two routes. One of them was a route of 24 miles and the other a route of 22 miles. The automobile was not run over 20 miles an hour at any time. It easily covered these routes, two of them, in 3 hours and 40 minutes. A $600 automobile would do that service.

If this service in many places were contracted, I am perfectly frank to say that, in my judgment, it could be done for three-fourths the money which the carriers are now receiving and the contractor would make money. On the other hand, in sections where automobile or motor-cycle service can not be performed, undoubtedly the carrier ought to receive additional compensation.

Now, the committee has no disposition in making provision for this service to require men to work for less than their services entitle them to, provided the committee has the information on which to make changes; and to show that Congress has not been niggardly, I want to call the attention of this committee to the changes that have been made in this service in the last few years. In the first place, there were examined last year 18,894 men, of whom 17,966 passed their examination, and there were 4,473 appointments, or less than 25 per cent of those who qualified.

We have been increasing the salaries of these men pretty rapidly since this service was established. They commenced at a salary of $150 a year in 1896. In 1897 they were raised to $300 a year, in 1898 to $400, in 1901 to $500, in 1904 to $600, in 1907 to $720, and two years ago to $900 a year. I think the earlier salaries were entirely inadequate, and the service has been extended so that it has satisfied the needs of the people living along the routes; but it is absolutely impracticable to extend this service without any limitation. If we did the logical thing, we ought to serve every householder in this country through a rural route. It is just as logical to say that you shall serve a man living 25 miles from a post office, when there are no people living between, as it is to serve a man living 25 miles from a post office with 100 families living between the two points. In other words, we can not extend this service to a point where it would cost hundreds of millions of dollars. There must be some stopping place, and the stopping place of the department has been that a route should have 100 families living on it and that there should be 5,000 pieces of mail delivered and collected per month. That has been the standard. The standard is not as high as it was when the routes were originally established. There has been a letting down of the standards, so that routes could be established where applications have gone in and inspections have been made. In my judgment there is no disposition on the part of the department to throttle or to cripple this service, but there is a disposition to make the Post Office Department self-sustaining, and there is a disposition also to take into account the condition of the Treasury when we extend a service on which we know we are going to lose a portion of every dollar that we extend it.

But after considering this whole matter with the Post Office Committee, and getting the sentiments of men on both sides of the House, I am prepared to offer an amendment to the bill as proposed, in this form:

On page 30, line 16, after the word "dollars," insert:
"*Provided further*, That on and after July 1, 1911, letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,000 per annum."

That is in exactly the same language that was used when the last increase was made, from $720 to $900. And I intend to offer this amendment on lines 15 and 16 on page 30: To strike out "$38,790,000" and insert "$42,790,000," which would provide the additional money for paying this increase. I send these amendments to the Clerk's desk.

Mr. MANN. I suggest to the gentleman that his amendment is not offered at quite the better place. It should be after the word "substations," in line 18.

Mr. STAFFORD. I should like to say to the gentleman from Illinois that we propose to insert it at the same place where it was inserted when the last increase was made.

Mr. MANN. To insert a substantive proposition in between the appropriation and the proviso is rhetorically bad.

Mr. HUGHES of West Virginia. This will allow the Postmaster General then to fix the salaries of the rural carriers as he does at present.

Mr. WEEKS. On standard routes at $1,000 a year.

Mr. GARNER of Texas rose.

Mr. WEEKS. I will yield to the gentleman from Texas.

Mr. GARNER of Texas. The gentleman from Massachusetts states that provision is made for about 2,200 routes——

Mr. WEEKS. Two thousand two hundred and thirty-seven routes between the 1st of January of this year and the 30th of June, 1912.

Mr. GARNER of Texas. Has the gentleman any assurance that the Post Office Department will take into consideration the wishes of Congress any more than it has in the past?

Mr. WEEKS. The Fourth Assistant Postmaster General in the hearings stated that it was the intention of the department to install these routes.

Mr. COX of Indiana. Will the gentleman yield?

Mr. WEEKS. I will yield to the gentleman.

Mr. COX of Indiana. For the purpose of getting at the permanent effect of the amendment offered by the chairman, I want to call his attention to the permanent law of 1907. I want to state that I am in accord with the amendment. The law of 1907, on which the salaries of the rural carriers are now based, is substantially the language of the amendment—that is, the gentleman's amendment as read, I see, complies literally with that act of 1907 down to the first proviso. Now, what does the gentleman think of his own amendment, whether or not it will take care of the substitute letter carriers who are carrying the mail for the rural carriers who are sick? In other words, if the gentleman's amendment obtains, will it be broad enough to take care of that part of the service?

Mr. MANN. That is permanent law, and it will remain the law.

Mr. WEEKS. I do not think this amendment will change that provision.

Mr. COX of Indiana. Whether or not in the gentleman's opinion it will not repeal it?

Mr. MANN. It would not affect the rest of the act at all.

Mr. WEEKS. I do not think it would affect it.

Mr. FINLEY rose.

Mr. WEEKS. Mr. Chairman, I will yield to the gentleman from South Carolina.

Mr. FINLEY. I merely wish to ask a question, not for myself, but to satisfy some other people. This amendment would in no way interfere with the annual leave of the rural carriers as now provided by law?

Mr. WEEKS. Not at all.

Mr. FINLEY. Of course it is not the intention of Congress to interfere with it or take it away.

Mr. OLMSTED. Will the gentleman from Massachusetts yield for a question?

Mr. WEEKS. Certainly.

Mr. OLMSTED. Will the proposed amendment increase the salaries of all the rural carriers?

Mr. WEEKS. The carrier of the standard route will receive not exceeding $1,000.

Mr. OLMSTED. What is a standard route?

Mr. WEEKS. Not less than 24 miles.

Mr. OLMSTED. Will it give the man on a 20-mile route or a shorter route any increase?

Mr. WEEKS. Yes; a proportionate increase.

Mr. OLMSTED. Then it affects the salaries of all the rural carriers—increases them all. I am in favor of its passage, and hope that the point of order may be withdrawn and the amendment agreed to.

Mr. WEEKS. Yes.

Mr. LEVER. Will the gentleman from Massachusetts yield for a question?

Mr. WEEKS. Certainly.

Mr. LEVER. I did not quite catch the reading of the amendment. Does it give the Postmaster General any discretion as to fixing the salary below $1,000? That is, does it make it mandatory on the Postmaster General to pay $1,000?

Mr. WEEKS. It is exactly the same form of legislation that was used before when the salaries were increased in 1908.

Mr. LEVER. Does the present law make it mandatory to pay $900?

Mr. WEEKS. I think so.

Mr. COX of Indiana. I will read the present law.

On and after July 1, 1907, rural letter carriers shall receive a salary not exceeding $900 per annum.

Mr. LEVER. That does not seem to me to make it mandatory.

Mr. MANN. It is practically mandatory; no officer would disregard it.

Mr. BARTLETT of Georgia. Mr. Chairman, I would like to ask the gentleman from Massachusetts a question.

Mr. WEEKS. I will yield to the gentleman from Georgia.

Mr. BARTLETT of Georgia. I understand the gentleman's amendment follows the language of the act of 1907 and will authorize the Postmaster General to pay $1,000 to a carrier who is carrying the rural mail upon a route of maximum length.

Mr. WEEKS. Yes; a standard route.

Mr. BARTLETT of Georgia. If that amendment is adopted, the gentleman proposes to follow it by a provision in the bill so that on the 1st of July, 1911, there will be appropriated by Congress enough money to give the rural carriers $100 additional to the salary they now receive.

Mr. WEEKS. I have sent to the desk an amendment which adds $4,000,000 to the amount appropriated.

Mr. BARTLETT of Georgia. The amendment I offered carries $4,000,000 additional.

Mr. HAMLIN. Mr. Chairman, I have no doubt that the intention of the chairman of the committee is to increase this salary to $1,000, but we all know that under this amendment, if adopted, the Postmaster General could continue to pay only $900.

SEVERAL MEMBERS. Oh, no! Oh, no!

Mr. HAMLIN. Yes; he could. This says he shall pay not exceeding $1,000. He could still refuse to pay $1,000 and pay $900 as a maximum rate.

Now, would the gentleman accept an amendment which provides that we shall pay salaries on the maximum routes of $1,000 and shorter routes in proportion?

Mr. WEEKS. Mr. Chairman, I will not accept any amendment on this proposition. It is in exactly the same form that the law has been in since the service was established.

Mr. BARTLETT of Georgia. Mr. Chairman, I want to state that if the amendment of the gentleman from Massachusetts is adopted I shall of course withdraw the one that I offered and that is now pending.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MANN. I rise on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MANN. Mr. Chairman, I would like to inquire whether the amendment offered by the gentleman from Massachusetts is satisfactory to these gentlemen who have amendments pending.

The CHAIRMAN. The Chair did not hear the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I was addressing my remarks to the gentlemen on the floor.

The CHAIRMAN. The Chair desires to state that several gentlemen have asked unanimous consent to address the committee. The Chair has informed the committee that debate has been proceeding by unanimous consent. The list on the desk has not been exhausted, and the Chair will therefore, by unanimous consent, recognize the gentleman from Virginia [Mr. SAUNDERS].

Mr. WEEKS. Mr. Chairman, I desire to again announce that when we go into the House I shall ask unanimous consent that Members have opportunity to extend their remarks in the RECORD for a period of five days upon this subject.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from South Carolina?

Mr. LEVER. Mr. Chairman, I wish to address my remarks to the gentleman from Illinois.

The CHAIRMAN. The Chair is prepared to rule on the point of order if the gentleman from Illinois insists on the point of order.

Mr. MANN. Mr. Chairman, I am trying to ascertain whether the rules of the House would require the item to go out on a point of order, and for that purpose I was trying to obtain some information from Members upon the floor.

Mr. LEVER. Mr. Chairman, if the gentleman will permit, I will say to him that so far as my own amendment is concerned, they are down and out if he will accept the Weeks amendment.

Mr. MANN. There were some amendments on this side of the House also. Mr. Chairman, as I understand the amendment of the gentleman from Massachusetts [Mr. WEEKS] is agreeable, I withdraw my point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois withdraws his point of order, and the gentleman from Massachusetts is recognized for the purpose of offering an amendment.

Mr. WEEKS. Mr. Chairman, I ask that the amendment be again reported.

The Clerk read as follows:

Page 30, line 18, after the word "substation," insert:
"*And provided further*, That on and after July 1, 1911, letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,000 per annum."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. WEEKS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Lines 15 and 16, page 30, strike out the words "thirty-eight million seven hundred and ninety thousand" and insert "forty-two million seven hundred and ninety thousand."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BARTLETT of Georgia. Mr. Chairman, I now withdraw the amendment which I sent to the desk.

Mr. HAWLEY. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Massachusetts a question. I understood the gentleman to say in his remarks a moment ago that he had provided in this bill for the moneys for the installation of over 1,200 routes between the first of this year and the 30th of June.

Mr. WEEKS. One thousand two hundred and thirty-seven.

Mr. HAWLEY. And about a thousand the next fiscal year.

Mr. WEEKS. Exactly 1,000.

Mr. HAWLEY. Is it understood that the department will expend the money and establish these routes?

Mr. WEEKS. The department expects to do that now.

Mr. HAWLEY. And not hold them up as it has in the past?

Mr. WEEKS. The department hopes it will not have the reason to withhold the installing the routes it has had in the past.

The Clerk read as follows:

SEC. 2. When, after a weighing of the mails for the purpose of readjusting the compensation for their transportation on a railroad route, mails are diverted therefrom or thereto, the Postmaster General may, in his discretion, ascertain the effect of such diversion by a weighing of such mails for such number of successive working days as he may determine, and have the weights stated and verified to him as in other cases, and readjust the compensation on the routes affected accordingly: *Provided*, That no readjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on any of the routes affected: *Provided further*, That the cost to the Government shall not be increased by such readjustment.

Mr. LAMB. Mr. Chairman, I make the point of order against the paragraph.

Mr. WEEKS. I will ask the gentleman to reserve his point of order.

Mr. LAMB. I reserve the point of order.

Mr. WEEKS. Mr. Chairman, I desire to explain to the committee the purpose of this paragraph, which I admit is new legislation and out of order. I think it is in line with good administration that this be included in the bill. Very frequently during a four years' term for which a railroad has a contract to carry the mails certain portions of the mails are transferred to some other line.

If this is done the lines to which the mail is transferred can not receive any pay for it unless the department has this authority to reweigh and give them credit for the mails which they are carrying. There have been cases where the transfer from one line to another amount to as much as 25 per cent of the total mails carried by the road having the original contract. The pay continues to the road having the original contract, and the road which is handling the business receives no additional compensation. This change would not add to the expense of this service a dollar. It simply provides that the money shall be paid to the railroad company which is doing the work.

Mr. LAMB. Now, Mr. Chairman, this provision would work a hardship and an injustice to many of these carriers, and in addition to that it would lodge authority in the hands of the Postmaster General that I do not think he ought to have. But, Mr. Chairman, it is useless at this hour to discuss the merits of this paragraph, for I am sure it will go out on the point of order I have raised.

Mr. FINLEY. Will the gentleman permit?

Mr. LAMB. Certainly.

Mr. FINLEY. If the gentleman will read the language carefully he will ascertain that unless there has been a diversion of mail from one road to another exceeding 10 per cent——

Mr. LAMB. I note that.

Mr. FINLEY (continuing). Then the Postmaster General has no authority to readjust the pay. Now, on some roads there is a diversion of the mail during a four-year period between the time it is weighed and the time it is weighed again amounting to a great deal, in many instances to 20 or 30 per cent of the whole mail. Now, it is not right to continue the pay to the road on which the mail was weighed during the weighing period when that road is no longer performing that service and when another road is performing the service and getting not one cent for that service. I submit to the gentleman from Virginia that this is a fair proposition and it is right that such road should receive pay for its service.

Mr. COX of Indiana. Is it not also true that because of the lack of authority in the Postmaster General to do this thing suits are now being waged for relief in this matter?

Mr. FINLEY. Yes.

Mr. LAMB. I think, Mr. Chairman, it is clearly demonstrable it would work an injustice to the road when the department can call for a weighing at any time and reweigh these mails, which is fixed at a period of four years. They have 90 days to weigh it, and rates are fixed thereby.

Mr. FINLEY. But the gentleman must admit mails are diverted and properly, for instance, by a new road built which takes a large amount of the mail carried by another road, and so on. No injustice can be done to the railroad. I do not think the gentleman from Virginia would want to pay a road for work that it has not performed.

Mr. LAMB. No; assuredly not. But I want this work done as it has formerly been done under the law, and it has worked, I am informed, well. Mr. Chairman, I make the point of order that this is new legislation, and that this report of the committee admits it is new legislation, and it is therefore subject to the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

SEC. 3. That section 211 of an act of Congress entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, be amended by adding thereto the following: And the term "indecent" within the intendment of this section shall include matter of a character tending to incite arson, murder, or assassination.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I suggest to the gentleman from Massachusetts that the addition ought to be made in quotations. There ought to be quotation marks inserted before the word "and" in line 18 and after the word "assassination" in line 20, so there would be no question about the authority being added to a criminal statute.

Mr. WEEKS. That was copied from what is originally in the criminal statute. There is no reason why it should not be put in quotations.

Mr. MANN. When you are adding an item to the criminal statutes it should be quoted to make it perfectly certain.

Mr. WEEKS. I have no objection.

Mr. MANN. Mr. Chairman, I move to insert quotation marks before the word "and" in line 18 and after the word "assassination" in line 20.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 31, insert quotation marks before the word "and" in line 18 and after the word "assassination" in line 20.

Mr. COOPER of Wisconsin. Is not this a rather extraordinary way in which to amend a separate act of Congress which had for its object the punishment of crime and nothing else——

Mr. WEEKS. I think it is.

Mr. COOPER of Wisconsin (continuing). Right in the midst of a bill appropriating for the Post Office Department for the next fiscal year, and for other purposes, without the slightest indication in the title? It seems to me that nobody would have any knowledge whatever, unless he was a perfect delver in the legislation of Congress, that we were amending another statute so entirely distinct both as to subject matter and phraseology.

Mr. WEEKS. I think, Mr. Chairman, the suggestion made by the gentleman from Wisconsin is quite correct—that it is an extraordinary proposition.

Mr. COOPER of Wisconsin. But is it a safe way to legislate?

Mr. WEEKS. I do not think it is a safe way to legislate ordinarily, but this paragraph was left out of the criminal code. The gentleman from Pennsylvania [Mr. MOON] is here and he will make a statement about it. He has introduced a bill to do exactly the same thing, and it seems particularly desirable that this be put back in the criminal code.

Mr. COOPER of Wisconsin. It seems to be particularly desirable, if it be put in the law in this debate in the midst of a statute where nobody will discover it unless somebody would call specific attention to it. Will not the gentleman from Pennsylvania [Mr. MOON] bring in this measure?

Mr. MOON of Pennsylvania. I will state that it was a pure inadvertence and oversight. It was passed in 1908 as an amendment to the then existing law, and in order to cure it I have already introduced a bill which is pending before the Judiciary Committee. I do not apprehend any difficulty in getting that bill favorably reported, and I would not imagine there would exist any difficulty on the floor of this House in having it go through by unanimous consent.

Mr. COOPER of Wisconsin. I do not think there could be any possibility of there being objection.

Mr. MOON of Pennsylvania. I will say to the gentleman from Wisconsin that it is a better method of accomplishing the purpose.

Mr. COOPER of Wisconsin. I will ask the gentleman from Pennsylvania, upon whose judgment we so confidently rely, would it not only be a better method but is it not the only proper method?

Mr. MOON of Pennsylvania. I think there is only one answer to that question, which is that it is the only proper method.

Mr. WEEKS. I will say to the gentleman from Wisconsin that it is perfectly safe to leave it in this bill and be sure that it is reinstated in the law. There may be some possibility that the bill that has been introduced by the gentleman from Pennsylvania [Mr. MOON] may not be acted on, and it is very essential to the department that it be included in the criminal law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That the Postmaster General shall cause to be prepared and furnish, under such regulations as he may prescribe, official postage stamps, stamped envelopes, wrappers, address slips, and postal cards for use within the limitations of existing law, by all officers of the United States and other persons authorized by law to transmit mail matter free of postage; and after July 1, 1911, no such officer or person shall transmit any matter free by mail without affixing stamps or using stamped paper herein authorized to the equivalent in face value of the legal postage on the matter transmitted.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I would like to ask the gentleman in charge of the bill just what this means, or if he has been able to learn what it means. I notice it says:

That the Postmaster General shall cause to be prepared and furnish, under such regulations as he may prescribe, official postage stamps, stamped envelopes, wrappers, address slips, and postal cards for use within the limitations of existing law.

What provision is there now under which Members of Congress would receive stamps?

Mr. WEEKS. There is no provision under which they would receive stamps, but there is a provision under which they would be entitled to the franking privilege.

Mr. MANN. Very well.

Mr. WEEKS. And it is the purpose of this legislation that hereafter the Postmaster General shall provide and shall issue to Members of Congress and to the department stamps which shall be used in exactly the same way that other stamps are used, the Post Office Department keeping an account with other

departments and Members of Congress as to the number of stamps they use, so that we may determine just what it is costing to carry franked and penalty mail.

Mr. MANN. Yes; but there is no limitation of existing law now which authorizes the furnishing of postage stamps. Is there any provision of law which now authorizes the furnishing of envelopes free to Members of Congress?

Mr. WEEKS. Yes.

Mr. MANN. Where is that law? I would like to find it.

Mr. WEEKS. We have an allowance for stationery.

Mr. MANN We have an allowance under which we buy stationery.

Mr. COOPER of Pennsylvania. There is only one provision in the printing law for that, and that is in Government envelopes for sending out the RECORD. It is not general. It is only a limited way.

Mr. MANN. I understand. There is no provision of law furnishing Members free envelopes. We buy them. Do I understand under this provision we would get envelopes free at the Government expense? Is that the purpose of the proposition?

Mr. WEEKS. The purpose of the proposition, Mr. Chairman, is that the same regulation, at least the same application of the franking privilege, shall be extended to the use of stamps and other means of forwarding mail matter, so that we may be able to determine just exactly how much it costs for that purpose.

Mr. MANN. Well, the gentleman now talks about his desire, not what the language indicates. I take it we construe language according to what we see, not according to what we hope. Now, where is the provision of law authorizing the furnishing of individual Members with official postage stamps, stamped envelopes, wrappers, addressed slips, postal cards, and so forth?

Mr. WEEKS. This paragraph was prepared by the law officer of the Post Office Department and has been pretty carefully considered by the committee. The gentleman has not read it carefully or he would not make that comment.

Mr. MANN. I beg the gentleman's pardon; I have read it 17 times, which is more than any member of the committee has read it, trying to find out what it meant, and was not able to tell; therefore I asked the gentleman, whom I admit is better able to judge what it means than I am.

Mr. WEEKS. I will try to explain [reading]:

The Postmaster General shall cause to be prepared and furnish, under such regulations as he may prescribe, official postage stamps, stamped envelopes, wrappers, address slips, and postal cards for use within the limitations of existing law.

The limitation of existing law is the franking privilege, which may be used for Government matter; that a department may use the penalty mail provision for use in distributing governmental matter. It does not mean that there is any existing law for the issuing of these official stamps, but that they may be issued and may be used, as now provided under the franking privilege, and under the penalty provision of the existing law.

Mr. MANN. Is that what it says?

Mr. WEEKS. That is what it means.

Mr. FULLER. Mr. Chairman, I rise just now to say, if the gentleman from Illinois does not make the point of order I will reserve it now and make it later.

Mr. MANN. I wish to make no reflection on anybody, and omitting any further argument as to what it means, may I ask the gentleman this: Under the existing condition, a Member of Congress has every protection against the use of his frank illegally. You are able to tell when you receive a frank whose frank it is; but if you receive postage stamps, what protection has the Government or the Member of Congress against the fraudulent use of those stamps?

Mr. WEEKS. Well, it is intended that Members of Congress shall be responsible for these stamps as they are for their franks. It is not contended that occasionally the frank is not used by somebody improperly; but the Member of Congress must make such provision as he finds necessary to protect the Government against the misuse of these stamps.

Mr. MANN. Why should he? There is no way to trace it. Why should he give as much attention to the putting on of the stamps when there is no way of tracing the matter as there is with a frank? The frank traces itself.

Mr. WEEKS. But, Mr. Chairman, Members of Congress are honest men and are not using their franks improperly and would not use the stamps improperly.

Mr. MANN. Anyone could go up to my committee room and could use my frank without my knowing it, but if it is used it is traced to me; but if anybody gets these stamps, who can trace them?

Mr. WEEKS. One could keep his stamps under lock and key.

Mr. MANN. I do not put the stamps I buy from the department under lock and key. The gentleman is more careful than I am.

Mr. WEEKS. I assume that Members will receive stamps enough for possibly three months. They can make requisition for any amount and take any action they care to to protect them. It will be shown at the end of the year just how many stamps each Member has used.

Mr. LANGLEY. Will the same stamps be used on a letter as on a public document?

Mr. WEEKS. Probably.

Mr. FULLER. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

All laws and parts of laws now in force for the punishment of offenders against the laws authorizing the use of penalty envelopes and official franks are hereby extended and made applicable to the use of the stamps and stamped paper herein authorized, as to all persons now subject to punishment for the unauthorized use of penalty envelopes or official franks.

Mr. FULLER. Mr. Chairman, a point of order against that.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

SEC. 5. That hereafter for services required on Sundays of supervisory officers, clerks in first and second class post offices, and city letter carriers, compensatory time off during working days in amount equal to that of the Sunday employment may be allowed, under such regulations as the Postmaster General may prescribe; but this provision shall not apply to auxiliary or substitute employees.

Mr. WILSON of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting, on page 32, after section 5, in line 20, the following:

"That hereafter clerks and carriers at first-class offices shall be promoted successively to the sixth grade, and clerks and carriers at second-class offices shall be promoted successively to the fifth grade."

Mr. WEEKS. I reserve a point of order on that.

Mr. WILSON of Pennsylvania. Mr. Chairman, the sole purpose of this amendment is to make the promotion of clerks in first-class offices successive until they reach the maximum salary, and the same with regard to clerks in second-class offices, until they reach the maximum salary. As it is at the present time, there is a successive promotion in first-class offices until the fifth grade is reached, and then when it comes to promotion to the sixth grade there is naturally a discrimination. There must be a selection of those who are promoted from the fifth grade to the sixth grade. There is a good sound reason why these promotions should take place for the welfare of the service to the fifth grade, and the same reason applies to promotions to the sixth grade. That is also true of the promotions in the classes from the first to the fifth grade in second-class offices. The simple purpose of the amendment as presented is to provide for those successive promotions.

Mr. WEEKS. I make the point of order against the amendment, that it changes existing law and is not germane.

The CHAIRMAN. The Chair sustains the point of order; not that it changes existing law, but that it is not germane to the paragraph.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 20, page 32, the following as a new section:

"After June 30, 1911, where the salary or compensation of any employee in the postal service is at an annual or monthly rate the following rules shall be followed in computing the amount due: An annual salary or compensation shall be divided into 12 equal installments, one of which shall be the pay for each calendar month; and in making payment for a fractional part of any calendar month there shall be paid such proportion of one of such installments, or of the amount of the monthly salary or compensation, as the number of days in the fractional part of that month bears to the actual number of days in that month."

Mr. FITZGERALD. This proposed amendment has received the approval of the department, and is desired by all the employees in the department. It reestablishes the old method of computing the compensation for the employees of the department for specific days in each month, and it is satisfactory to everybody interested, and I hope it will be adopted.

Mr. WEEKS. I did not understand what the gentleman from New York said, but——

Mr. FITZGERALD. I said it was perfectly satisfactory to the department and to the employees.

Mr. WEEKS. I have referred this matter to the department, and it has the approval of the department.

The question being taken, the amendment was agreed to.

Mr. CARY. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert, after line 20, page 32, the following:

"*Provided*, That hereafter all clerks and carriers in the first and second class post offices shall be allowed extra compensation for all time worked in excess of eight hours on any working-day, such extra compensation to be at the regular rate of pay of said clerk or carrier."

Mr. WEEKS. I make a point of order against that amendment.

Mr. CARY. I trust the chairman will reserve the point of order.

Mr. WEEKS. Has the gentleman from Wisconsin a statement to make?

Mr. CARY. I have, but do not wish to delay this bill.

The post-office clerks are practically the only civil-service employees of the Government that have not the protection of a law regulating their hours of labor. The departmental clerks, the mechanics, and laborers employed in the various departments and bureaus all have legislative regulation of their hours of employment. The letter carriers have the benefit of some regulation in that the law provides they shall not be required to work in excess of 48 hours in any one week. There has been sufficient legislation on the subject of hours of labor of Government employees to demonstrate that it is the desire of Congress that the Government shall be a model employer, at least to the extent that it shall uphold among its own employees the principle of an eight-hour day.

The post-office clerks, who beyond question are among the most skilled and the hardest worked employees of the Government, have no such legalized regulation of their hours of labor. As a consequence, these painstaking and diligent workers have been and are being required to work long hours without extra compensation, hours far in excess of eight per day, and during the holiday rush and at election time, when the mail is voluminous, oftentimes these workers, who the outside public see very little of, toil at their tasks for periods as much as 14 hours a day in order that the mail may be speedily dispatched.

But a small percentage of the public are at all familiar with the duties of a post-office clerk—they know nothing at all as to how the letter or newspaper deposited in the corner mail box reaches its destination; they know nothing beyond the fact that a mail carrier opens the box and collects the letter and that a mail carrier delivers the same at its destination. They know nothing of the skilled hand and the efficient brain that directs and dispatches the letter to the proper train upon which it is to travel and who directs it to the carrier who serves the district to which it belongs. That is the work of the post-office clerk.

It is the post-office clerk who, after doing a day's work of eight and one-half, nine, or 10 hours in the post office amidst the dust and dirt brought into the office on sacks and pouches that have been dragged over the railroad depot platforms of this country, who has to retire to his home and spend, on the average, an hour or more a day studying the various distributing schemes which enable him to know what county this or that town is located in, what train passes through that or the other town, what time all these trains leave, and when distributing mail for the city what carrier serves this street or that street. It is the post-office clerk who must keep posted on all the changes in name of towns, train schedules, removals of firms and individuals, and it is the post-office clerk who must know the classification of mails and the postage rates. But, despite the fact that all this is required of him, the public knows little of his duties, and he is the one class of our public employees that have no legal regulation of hours of work.

Most of the work of these clerks is done at night, which is due to the fact that about the last thing a business house does at the close of the day is to send its mail to the post office, and then again the mail arriving on trains at night, no matter what the hour, must be distributed in time for delivery the first thing in the morning. Working the unnatural hours of night, under the severe mental and physical strain they do, makes a post-office clerk's job not the most desirable vocation that could be selected, when the conditions and pay attached to the position are considered.

The service rendered by the letter carrier is known and appreciated to some extent by the public because the public comes in contact with him, and there are none who will dispute the fact that in the letter carriers we have as loyal and efficient a set of men as anywhere in the Government service, or in the employ of any commercial or industrial concern, but the post-office clerks are equally as loyal and are working out of sight of the public eye and under unfavorable conditions as compared with the carrier. Because they are unseen and because of executive orders that forbid them from attempting to influence legislation and making their wants known we have heard little of them.

The post-office clerk and letter carrier, after waiting a long period of time on the substitute list for appointment, during which time they receive only what salary they make in acting in the place of absentees, come into the service with the intention of making it their life's work, and after a few years spent in such service they are equal in skill and knowledge to the skilled mechanics of the various skilled trades, who today in large cities, where cost of living is high, receive a wage far in excess of what we pay our postal employees. We should give recognition to these faithful servants and endeavor to keep them in the service by providing favorable working conditions.

The passage of this amendment will help toward that end. It provides for the regulation of their hours of duty in such a way that when the Postmaster General seeks to economize on the expenditures in the department that the clerks will be protected against having all of the economy taken at the expense of his working conditions, by the working of overtime and long hours in an effort to save on the appointment of a few clerks.

The First Assistant Postmaster General states in his hearing before the committee (p. 94) that provisions in the bill for clerk hire are sufficient to take care of increased business and maintain an eight-hour schedule for the clerks.

Congress passed a law about 20 years ago providing that letter carriers should not work more than eight hours any one day. This was in effect up to the year 1900, when a proviso was carried in the appropriation bill which provided that letter carriers could be worked not to exceed 48 hours in any week. This allows of working them 10 or 11 hours on some days and then at the latter part of the week cutting down their time so as not to exceed 48 hours. After the year 1900 the carriers were worked on the basis of the old straight eight-hour law until the present Postmaster General brought a test case into the Court of Claims and won a decision that the proviso carried in the appropriation bill of 1900 was permanent law. Now, the carriers are working on the 48-hour-a-week basis. The clerks have neither the 48-hour law nor the straight eight-hour law to protect them.

If the First Assistant Postmaster General is correct in his statement "that clerks will be provided in this bill to maintain an eight-hour schedule," why should anyone object to the passage of the amendment?

I have here some reports of the different branch post offices in the city of Milwaukee, and will state that the clerks worked overtime in all of them. For instance, station C for month of October the average was 8 hours and 15 minutes per day; West Allis Substation, 9 hours and 35 minutes; stations B and D for December are about the same, 9 hours and 37 minutes, and they should be paid for this extra work.

I was more than pleased to-day to see that Congress has finally recognized the fact that the rural mail carriers need more salary, especially when you take into consideration the great expense of keeping at least two horses and as many buggies or wagons. While $100 a year is not as much as I would like to see them get, yet it is some increase and a step in the right direction. Now, then, let us be fair with the clerks.

I do not believe in false economy by reducing wages or increasing the working hours.

With reference to the joint resolution 258, which I introduced in the House recently, will say that I believe the man in the Government employ drawing the small salary is as much, if not more, entitled to consideration and an increase in salary as is the man higher up drawing the greater salary. My reason for introducing the resolution at this time was brought about by the slicing or cutting being done on the salaries of the various employees of the Government and the rumors of more to come when instead they should have been increased.

It has always seemed peculiar to me that when a large concern or the Government attempts to economize they always start to economize on the poor wage-earner drawing the smallest salary, instead of starting at the top where they can better afford the reduction. As you know very well, the necessaries of life have increased in the last 10 or 15 years 50 per cent, and even more in some instances, and yet the increase in wages all over the country has not been over 10 per cent as an average, if that much. It certainly does seem to be a very strange action on the part of the Government that it, instead of advocating better times and more concessions for the poor man, should take the opposite view by depriving him of every bit of ambition that is in him by keeping his wages down to a margin that he can scarcely support himself and his family in any sort of

comfort. I believe that the Government should set a precedent in this direction for increase of wages; it can not but ultimately bring about similar changes where private enterprise is interested. We are each year spending vast sums for a great many other things which the Nation evidently needs, but we are neglecting those who comprise the working forces of the many governmental agencies. If there would be a way to reduce living expenses, say, 50 per cent, there might be some excuse for reducing the wage-earner's salary, say, 10 per cent, which would put him on a more equal basis and in a better position to eat properly, wear decent clothes, and educate his children.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

SEC. 6. That the Postmaster General is hereby authorized, in cases where the mail service would be thereby improved, to extend service on a mail route under contract at not exceeding pro rata additional pay: *Provided*, That the extensions beyond either terminus ordered during a contract term shall not, in the aggregate, exceed 25 miles.

Mr. TOWNSEND. Mr. Chairman, I reserve a point of order on that. I would like to ask the chairman a question or two. Do I understand that this is the beginning of an undertaking or a plan to carry the mail by contract?

Mr. WEEKS. I do not understand that it has anything to do with that kind of a purpose. There are cases where the Postmaster General has desired to extend a star route, but he has to advertise before this can be done. This section would permit him to extend the route without advertising.

Mr. TOWNSEND. Why does the distance to which it could be extended—25 miles—correspond with the standard rural route?

Mr. WEEKS. I do not know. It does not say extend it to 25 miles, but it says extend it 25 miles.

Mr. TOWNSEND. At the present time I am very much opposed to changing the rural-route system to a contract system. I do not think we ought to do anything that would indicate that we are at all favorable to that plan until there can be a wider discussion and better understanding of this subject. It seems to me rural service by contract may be what this means, and while possibly it might be convenient in some cases to give the Postmaster General this discretion, at the same time it occurs to me that possibly undesirable changes might come from it which would warrant me in making this point of order.

Mr. WEEKS. I think the fears of the gentleman from Michigan are not well founded. This is to extend a star route not exceeding 25 miles. It does not mean that the entire route shall be 25 miles in length. Since these two services have been brought together into the same bureau there has been no cutting out except in the star-route service. Fifty-six thousand dollars have been saved in this way in the third contract section. I do not think there is any intention on the part of the department to take advantage of what the gentleman from Michigan has in mind.

Mr. HUGHES of West Virginia. Mr. Chairman, I make the point of order on this paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. HUGHES of West Virginia. Mr. Chairman, I made the point of order for the reason that I am apprehensive that this proposed section will be construed so as to authorize encroachments upon rural routes by the star route or contract service. If I felt that the provision merely authorizes extension of star routes to not exceeding 25 miles in length I should be content to let it remain in the bill; but I fear there is lurking in this proposition the possibility of a merger of the two services—contract and rural—in which event the older service—that is, the contract service—will be the gainer. I think I can readily see how that might be brought about in hands unfriendly or lukewarm toward the rural service, not to say that the gentlemen now at the head of the rural service have not the best interests of it at heart.

But inasmuch as the contract service is the cheaper and its substitution for the rural service was seriously advocated a few years ago on the ground of economy, I think we had better not put temptation in the way of the department at this time, when economy seems to have been practiced somewhat at the expense of the rural service. I think both services desirable, according to the needs of a particular locality. There are communities adapted to the contract service and where no other service is desired. Likewise, but in a majority of cases, the rural service is best adapted to the needs of the people and no other service is wanted. But a merger of both into one or the other would result in dissatisfaction, and I am opposed to anything tending toward such merger. The rural service is popular, and is here to stay. The same can be said of the star-route service in certain localities.

The Clerk read as follows:

SEC. 7. That any post-office inspector or other representative of the Post Office Department commissioned by the Postmaster General, or any postmaster, assistant postmaster, or superintendent of a post-office division, branch office, or station, may administer oaths and take affidavits, without fee, in connection with any business relating to the postal service.

Mr. FINLEY. Mr. Chairman, I reserve a point of order to this section. There is a part that I do not want to remain in.

Mr. MOON of Tennessee. Mr. Chairman, I make a point of order on the whole section.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

SEC. 8. That in addition to the permissible marks, writing, and printing on mail matter of the third and fourth classes, respectively, or on the envelopes or packages containing them, as authorized by the act of Congress approved January 20, 1888, entitled "An act relating to permissible marks, printing, or writing, upon second, third, and fourth class matter, and to amend the twenty-second and twenty-third sections of an act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1880, and for other purposes,'" there may be placed on such mail matter, or on the package, wrapper, or envelope inclosing the same, or on a tag or label attached thereto, either in writing or otherwise, the words "Please do not open until Christmas," or words to that effect.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if this is a compliment to Santa Claus.

Mr. WEEKS. The purpose of the provision is to prevent a congestion of mail at Christmas time. We all try to send our Christmas presents through the mail so that they will reach the recipient on Christmas or the day before. This brings about a great congestion in the mail, and it is hoped that if this provision is adopted the extra mail which is now carried two or three days before Christmas may be distributed over as many weeks.

Mr. FOSTER of Illinois. It will serve to keep up the idea that Santa Claus will come on Christmas eve.

Mr. HUGHES of West Virginia. Mr. Chairman, I move to strike out the last two words. I want to ask the gentleman from Massachusetts, the chairman of the committee, if he would object to an amendment changing the present law so as to allow the Postmaster General, in cases where he believed it wise, to increase the assistant postmaster's salary to 75 per cent of the postmaster's salary, instead of 50 per cent, as at present.

Mr. WEEKS. I certainly should object to such an amendment.

Mr. HUGHES of West Virginia. I realize that it would be subject to the point of order, and therefore it would be useless to offer it; but I think such provision should be made.

Assistant postmasters in first-class offices are now paid not exceeding 50 per cent of the salary received by postmasters, in even hundreds of dollars. The postmaster at my home city, Huntington, W. Va., gets $3,300, but his assistant only gets $1,500, instead of $1,600 or $1,650, if the actual amount paid were 50 per cent of the amount of the postmaster's salary. If the amount that he could receive were fixed at not exceeding 75 per cent, or even 60 per cent, as recommended by the department, the greater latitude afforded would make it possible to do justice in meritorious cases, like that in my home city, by actually allowing a salary commensurate with the duties performed. The assistant postmaster at Huntington is often required by the exigencies of the service to remain on duty 18 hours a day.

Mr. Chairman, I have confined what remarks I have made to the bill under consideration, and have advocated the increase of salaries of clerks, city and rural carriers, and employees in the postal service generally, because I think such a policy would be just to those employees and wise from the standpoint of administrative policy. I also want to say a word in behalf of the clerks in the Post Office Department in this city, whose salaries are carried in another bill. They are equally entitled to consideration at our hands. I have found them efficient and industrious, and in my judgment they are worthy of more pay.

We have increased the pay of some of the higher officials in the last few years, but the rank and file have been overlooked. This is true of all of the departments in this city. It is a grave injustice to a splendid and faithful set of men and women. We increased our own salaries a few years ago on the ground of increased cost of living, but the salaries of Government clerks in the departments have remained the same as they have been for years. I would raise them all along the line from the charwomen up. What increases have been made in the higher grades were just and proper, but we have not gone deep enough down. Perhaps we started at the wrong end. My sympathy goes out to the fellow on the little salary, and I often wonder how he makes ends meet—the chances are he does not. Certain it is that he can not indulge in even the simplest forms of

diverting amusement, and not many of the plain necessities. The wonder is that we get good service at all. I generally vote to maintain every branch of the service, including the Army and Navy, and to increase their efficiency; but I should like to see a systematic effort put forth to effect real economies in the Government service in the matter of large lump-sum appropriations, with the understanding that the resulting savings should be applied upon an equitable basis to increasing the salaries of the faithful and underpaid servants in the public service in this city and throughout the country.

The Clerk proceeded with and completed the reading of the bill.

Mr. WEEKS. Mr. Chairman, I ask unanimous consent to return to page 12 of the bill, in order to make a change.

Mr. MANN. What is the paragraph?

Mr. WEEKS. The paragraph commencing on line 20, page 12. It reads:

For compensation to watchmen, messengers, and laborers, 100 at $800 each.

When this was passed a point of order was made by the gentleman from Indiana [Mr. Cox], and he wishes now to withdraw the point of order.

Mr. COX of Indiana. Mr. Chairman, I made the point of order against the increase of salary, and since then I have thought that I may have committed an error against a deserving class of people, and I ask unanimous consent to withdraw the point of order.

The CHAIRMAN. The first question is the request of the gentleman from Massachusetts to return to page 12 of the bill. Is there objection?

There was no objection.

Mr. WEEKS. Now, Mr. Chairman, I move to amend line 21, page 12, by inserting the words "100 at $800 each."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 12, line 21, before the words "seven hundred," insert the words "100 at $800 each."

Mr. MADDEN. Mr. Chairman, I move to amend by striking out the word "seven"——

Mr. COX of Indiana. If that is done, Mr. Chairman, I renew my point of order.

Mr. MADDEN. Mr. Chairman, I move to strike out the word "seven," in line 21, and the word "six," in line 22, and insert in lieu of the first word "seven" the word "thirteen," and all of the language after the word "six," so as to make it read "1,300 at $700 a year," instead of "700 at $700 each," and "600 at $600 each."

Mr. MANN. This is not an amendment to the amendment, I suggest to my colleague.

Mr. MADDEN. This is an independent amendment. I will let them vote first on the amendment of the gentleman from Massachusetts.

Mr. COX of Indiana. Mr. Chairman, I renew my original point of order if there are to be any more amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. MADDEN. Mr. Chairman, I make the point of order on the word "eight."

Mr. MANN. The point of order comes too late.

The CHAIRMAN. It is too late, and the point of order is overruled. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, that in place of the word "seven," on line 21, the word "thirteen" shall be substituted——

Mr. COX of Indiana. I will reserve the point of order on the amendment.

Mr. MADDEN. Wait until I offer the amendment. Strike out all after the word "and," line 22, down to and including the word "each" on line 23.

Mr. COX of Indiana. Mr. Chairman, I make the point of order on that.

Mr. WEEKS. Mr. Chairman, my motion was to recur to the paragraph under consideration and to limit it to the language which has just been reinserted in the paragraph.

Mr. MANN. That is what the gentleman asked unanimous consent to do.

Mr. WEEKS. I asked unanimous consent that we should return for that purpose, and I make the point of order it is not in order for the gentleman to offer other amendments to that paragraph.

Mr. MADDEN. The gentleman asked unanimous consent to return to the paragraph without any statement as to why he returned to it. Unanimous consent was given for the purpose of returning, but I assume that when unanimous consent was given, it was given for the purpose of considering the paragraph in all its phases, including the amendments.

The CHAIRMAN. The Chair will hold that unanimous consent was asked for for the purpose of returning to this specific provision on page 12, and that the committee so gave its consent. Does the gentleman from Illinois ask unanimous consent to submit an amendment?

Mr. MADDEN. No; I submit an amendment without asking consent, because I assume that in giving unanimous consent to return we did so for the purpose of considering the paragraph.

The CHAIRMAN. The Chair holds otherwise.

Mr. WEEKS. Mr. Chairman, I move that the committee do now rise and report the bill with amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STEVENS of Minnesota, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 31539, the Post Office appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, the vote will be taken upon the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WEEKS, a motion to reconsider the last vote was laid on the table.

Mr. WEEKS. Mr. Speaker, I ask unanimous consent that Members may have five legislative days in which to extend their remarks in the RECORD on the subject of the Rural Free Delivery Service.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that Members may have five legislative days in which to extend their remarks upon the question of the Rural Free Delivery Service.

Mr. OLMSTED. Mr. Speaker, just a moment. Does this apply to gentlemen who did not obtain recognition?

Mr. WEEKS. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

EULOGIES ON HON. ALEXANDER STEPHENS CLAY.

Mr. LEE rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. LEE. To ask unanimous consent to present an order.

The SPEAKER. Without objection, the gentleman will present for the consideration of the House the following order (No. 19), which the Clerk will read.

There was no objection.

The Clerk read as follows:

Ordered, That there be a session of the House at 12 o'clock noon Sunday, February 19, 1911, for the delivery of eulogies on the life, character, and public services of the Hon. ALEXANDER STEPHENS CLAY, late a Senator from the State of Georgia.

The question was taken, and the order was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 31856.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 31856, the District of Columbia appropriation bill.

Mr. GARDNER of Michigan. And, Mr. Speaker, pending that motion, I ask unanimous consent that four hours be given to general debate, one half to be controlled by the majority and the other half by the ranking Member of the minority, and in his absence by the next Member.

The SPEAKER. The gentleman from Michigan asks unanimous consent that all general debate upon the bill may close in four hours, one-half of which is to be controlled by himself and one-half by the head of the minority of the subcommittee on the District of Columbia of the Committee on Appropriations. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 31856, the District of Columbia appropriation bill, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 31856, the District of Columbia appropriation bill.

Mr. GARDNER of Michigan. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. KOPP].

Mr. KOPP. Mr. Chairman, for a hundred years or more the statesmen of the Old and New World have dreamed of a canal connecting the Atlantic and Pacific Oceans somewhere in the vicinity of Panama. The navigators of olden days dreaded the trip around the South American coast more than any other journey on the oceans. The history of the negotiations of foreign powers for a foothold at the Isthmus and of the various attempts to construct a canal there is too well known to be reviewed at this time. Suffice it to say that after the completion of the Suez Canal in 1869 and the great honor paid to its builder, Count Ferdinand De Lesseps, by the whole world, interest was revived. In due time this interest again waned, but in 1898, when the unfortunate trouble with Spain was brewing, it became necessary for that great battleship, the *Oregon*, to make the trip from San Francisco to Hampton Roads, and again interest was revived and with greater fervor. In due time the necessary treaties were made, appropriations secured, and work begun. Since the occupation of this territory by the United States two questions have been paramount in the minds of all Americans: First, what will be the value of this canal commercially? Second, what will be the value of the canal in times of war?

It is not my purpose to discuss the first question now, nor the second, except as it is involved in another question, for connected most intimately with the question of the value of this canal as a military asset is the other question as to whether or not it should be fortified. On the 17th day of May last, and again during this session, the able gentleman from Ohio [Mr. KEIFER] made a speech on this floor strongly urging that the canal ought not to be fortified and that its neutrality should be preserved by international agreement. Since that day the newspapers have been discussing the pro and con of the question. Recently the President recommended that an appropriation be made covering the initial cost of fortification. This body will soon be called upon to decide whether or not we shall leave this great highway to be protected by agreement of nations, both in times of peace and in times of war, or shall see to its protection ourselves.

There are but two features of this question which need discussion. First, whether the United States has the right to fortify the canal; and, if so, second, whether we ought to do it. I do not claim to be a great student of international law, but I have examined this question with some care. I think it will not be claimed by anyone that there are more than three foreign countries that have any interest whatsoever in this question—Colombia, Panama, and Great Britain.

The Republic of Colombia was established in 1819, but in 1831 this was divided into three parts, each with an independent government, and afterwards known as New Granada, Venezuela, and Ecuador. In 1862 New Granada was changed to the United States of Colombia, and since 1886 has been known as the Republic of Colombia. The only treaty with Colombia or its predecessors which is concerned in the discussion of this subject is the treaty of 1846, concluded on the part of the United States by Mr. B. A. Bilback and on the part of New Granada or Colombia by M. M. Mallarino. The only part of the treaty which is concerned in our discussion is a part of Article XXXV, as follows:

> And in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages, and for the favors they have acquired by the fourth, fifth, and sixth articles of this treaty, the United States guarantee positively and efficaciously to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and in consequence the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

I think it will be admitted that no other treaty with Colombia affects the situation at all, and if the Republic of Colombia has any rights in the Canal Zone it is by virtue of this treaty. It is a fundamental principle in international law that—

> Treaties relating to boundaries, to water courses, and to ways of communication constitute obligations which are connected with the territory and follow it through the mutations of national ownership. (Moore's International Law, Vol. III, p. 104; Principes du Droit des Gens, Vol. I, pp. 72–73.)

When the Republic of Panama was recognized by the nations of the world and became free and independent, it followed that it assumed all the responsibilities and enjoyed all the privileges imposed and conferred by the treaty of 1846, so far as they related to the territory through which this canal passes. Colombia then ceased to have any rights over this Canal Zone by virtue of the treaty of 1846. Whatever rights she may have had theretofore became vested in the Republic of Panama and subject to further negotiations by Panama. Thereafter the Republic of Panama entered into a treaty with the United States which is the basis of our rights there.

It was agreed to by the representatives of the United States and Panama on the 18th of November, 1903. After granting to the United States in perpetuity certain rights and privileges in a given territory, it provides in Article XXIII as follows:

> If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for those purposes.

It is true that this treaty also states in Article XVIII that—

> The canal, when constructed, and the entrance thereto, shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of Article III of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

But it is a familiar rule of construction that all parts of an instrument must be considered together, with a view of giving life and intent to every word. Adopting this rule and construing the treaty in question, it can not be denied that it was intended that the United States should build this canal and keep it open and neutral in the sense that all nations might be allowed to use it upon the same terms, but with the proviso that the United States should have the right to fortify it, and, of course, the right to fortify it would amount to nothing unless it included the right to exclude the enemy in time of war and to protect it from destruction. To allow the enemy to use it in times of war would be to subject it to such exposure that it might be destroyed without a moment's warning. The only way to effectually protect the canal in times of war would be by preventing the enemy from using it. It would be ridiculous to fortify the canal so as to keep it from being destroyed, and then allow the enemy to steam into it with its war vessels at all. This is the only sensible and reasonable construction that can be placed upon the treaty. What does it mean to fortify a place if it does not include, as ancillary thereto, the right to repel the enemy or keep the enemy from passing through?

I think it can not be effectually claimed that Colombia or Panama has any rights in the canal country which would prevent the United States fortifying it, or that any treaty obligations with Colombia or Panama will be violated thereby.

The only other nation interested, from a treaty standpoint, is Great Britain. From an early date Great Britain has been anxious to secure a foothold on, or have a voice in, the management of any canal that might be built through the Isthmus. The Clayton-Bulwer treaty, entered into in 1850, provided that no canal should be built except under the joint supervision of the United States and Great Britain, and by Article VIII stipulated that—

> The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditons of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

It was not long after this treaty was entered into that the United States began to realize the necessity of the building of an Isthmian Canal, if at all, by the United States Government, or under its direction. After the War with Spain negotiations were opened with a view of entering into a treaty with Great Britain, abrogating the terms of the Clayton-Bulwer treaty. The history of these negotiations is familiar. The first draft presented to the Senate, in Article VII, provides that—

No fortification shall be erected commanding the canal or waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

This was rejected by the Senate. It is true that the representatives of our Government attempted to have inserted words expressly providing for fortification, but to this Great Britain would not accede. The correspondence between Secretary Hay and Lord Pauncefote is very illuminating.

After repeated negotiations in December, 1901, the Hay-Pauncefote treaty was finally adopted, and this treaty had eliminated the clause prohibiting fortification. Article III, subdivisions 1 and 2, are as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

It will be noticed that the only agreement as to neutrality is that—

The canal shall be free and open to vessels * * * of all nations * * * on terms of entire equality, so that there will be no discrimination against any such nation * * * in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

By a prior article it is stipulated that the United States Government shall have the exclusive right to provide for the regulation and management of the canal. From this it can clearly be deduced that the United States Government has the right of imposing the conditions and making the regulations under which the vessels of other nations may use the canal; the only limitation upon that power is, first, that there shall be no discrimination against any nation, and second, that the conditions and charges shall be just and equitable. This canal will be owned, when completed, by the Government of the United States. It can not be compared in its situation to the Suez Canal. The Suez Canal was constructed by a private corporation, and was owned by no Government. The peoples of all nations were stockholders. From the very nature of things, then, if the corporation was to do business at all, it had to have the assurance of all nations that it would not be destroyed. Supposing that the Universal Company of the Maritime Canal of Suez had built forts to protect the canal, what nation could operate them? A corporation can not perform the functions of a Government, and has no right to erect forts with which to fire upon the vessels of a nation.

The stockholders represented every nation of the world, and from the nature of things could not agree on a matter of this kind, if it had been feasible; and so it will be seen that the only way this company could operate was under agreement of the nations of the world to protect the canal. But when it comes to a construction of the Hay-Pauncefote treaty, and considering the fact that the United States, by this treaty, has the right to provide regulations and terms and conditions upon which it shall be open to the nations of the world on equality, that it would not be an unreasonable condition that any nation in order to enjoy the privileges of the canal must be at peace with the United States. Such a condition could certainly not be held "unjust or inequitable," and certainly would apply to all nations of the world equally. Moreover, it is significant that the first draft of the treaty containing words prohibiting fortification of the canal was rejected, and in the treaty finally accepted and agreed upon they were eliminated. The words—

the United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder—

must be given some meaning. Does it mean simply that a few companies of soldiers are to be distributed along the canal to keep boys from fishing or to keep individuals from causing trouble or to keep ships and vessels from engaging in conflict on the waters of the lakes, or what? It seems to me that a reasonable interpretation would be that the United States shall use such military force as in its discretion seems best for the protection of the canal against "lawlessness and disorder." It can not wait until the "lawlessness and disorder" is present before preparing. If it did, a war vessel might steam into the canal and fire a few shots in Gatun Dam or the locks, and back out, and the United States would be entirely failing to do its duty in protecting the canal from "lawlessness and disorder." To fail to fortify the canal would be like a city failing to have a police force until a riot occurred, and then trying to summon men hastily to preserve order. The riot is prevented or quelled by a well-organized police force being ready and able to do the work for which the department was created.

And just so if the United States is to prevent "lawlessness and disorder" in the canal, which must be construed to mean "lawlessness and disorder" on the part of vessels congregated there or approaching it, it can only be accomplished by having forts erected there, with garrisons and munitions of war necessary for preventing trouble. Any other construction would fail to give to these words any real life or vitality, and make it appear to the nations of the world that the United States entered into a treaty whereby rights were reserved which really meant nothing. I do not think it can be successfully contended that there is any treaty in force with any nation which is a barrier to a complete legal right on the part of the United States Government to keep such military forces and erect such fortifications at the canal as may be necessary to prevent "lawlessness and disorder."

It is for the United States to say what force it considers necessary for that purpose, as it is for the city government to say what police force is necessary to maintain order in the city and prevent "lawlessness and disorder."

Furthermore, one of the rights of sovereignty is to fortify, and so if there is not in a treaty or otherwise a provision prohibiting fortification the right exists as an element of ownership. The clause in the first Hay-Pauncefote treaty prohibiting fortification was stricken out, and in the final treaty adopted, and which is now in force, there was no prohibition. So it seems it can not be successfully claimed that there is any provision preventing the United States fortifying this territory.

Assuming that we have the right to fortify the canal, then the only other question is, Ought we to do it? Much has been said in the discussion of this question about the Suez Canal, and the fact that its neutrality is preserved by international agreement. I have heretofore referred to the fact that there is no comparison between the Suez Canal and the Panama because of inherent differences between the modes of construction. The Suez Canal had been the dream of engineers of Europe for some years, but not until Count Ferdinand de Lesseps came upon the field of action was there a serious attempt made to construct it.

It is interesting to note that during all the time that Count Ferdinand de Lesseps was endeavoring to organize a company and raise money for the construction of this canal Great Britain was vigorously opposing its construction. Every obstacle known to honorable statesmanship was thrown in the way of De Lesseps and his friends, but finally a concession was secured by De Lesseps from the Turkish Government in the year 1854 or 1855. Plans were adopted and preparations made to begin work. Subscriptions were taken for stock in the canal, and citizens of most of the countries of the world subscribed. The company was incorporated under the French law, with a capital stock of 200,000,000 francs—400,000 shares of 500 francs each. The viceroy of Egypt subscribed for 177,000 shares. In 1869 the canal was completed, and even then the British Government had no interest in it until 1875, when it became known that French capitalists contemplated the purchase of a controlling interest in the canal; then the British Government almost immediately dispatched an agent to Egypt, and in November of that year purchased the 177,000 shares owned by the viceroy.

Moreover, England was in a position to consent to a treaty providing for the neutrality of the canal. No nation could make any use of the Suez Canal in a war with Great Britain, for in order to reach any of England's possessions, either way, through the Suez Canal the fleet must pass Alden, Malta, Cyprus, and Gibraltar. These are four of the best protected naval points in the world, and the British statesmen well knew that she commanded the Mediterranean, and by commanding the Mediterranean the territory beyond it, through the fortifications just referred to. And so, from any standpoint, there can be no comparison made between these canals. The Suez Canal was owned by a private corporation and built by the money of the stockholders, gathered from the four quarters of the globe. The Panama Canal is being built by the American Government. Moreover, the Suez Canal is a sea-level canal, built through the sand and marshes, and no permanent injury could be done even if a nation should violate the treaty and try to block the canal. To repair any possible damage would mean nothing more than a given amount of dredging.

The Panama Canal, on the other hand, is a lock canal, the main part being a great lake many miles in length, supported by monstrous dams. A half dozen well-directed shots from a heavy gun in the locks would mean the loss of millions and putting the canal out of commission for two or three years.

The building of the canal is justified as a Government enterprise, first, because of its great commercial value to our people, and second, as a military asset in case of war. As a commercial asset, in harmony with all the treaties of the world, with few exceptions, it should be free to all nations on the same terms, and will be. As a military asset, in harmony with all the treaties of the world, with few, if any, exceptions, it should belong exclusively to the Government constructing it. In point of logic and morals there is just as much reason for Great Britain to neutralize Gibraltar, or Malta, or Cyprus, or Aden, as for the United States to neutralize the Panama Canal. Would any nation have the temerity to ask Great Britain to join in a treaty for the neutralization of these points? If not, then why should we—there being no treaty requiring it—be asked to neutralize Panama? The opponents of fortification say that it is not in the interest of peace. I am an advocate of peace, and trust that war will never come again. We are not approaching the solution of the question in the right way, however, when this Nation is asked to build this great canal, one of the primary purposes being military necessity, and then to turn it over to the world, just as great an asset to any other nation as to ours. I wish a convention might be arranged at once of all the nations of the world to consider the question of universal disarmament. When the nations of the world will agree, as I hope and trust they will ere long, that there shall be at least a limited armament, if not universal disarmament, with only an international navy, then we may talk of neutralizing the strategic points of the world.

But so long as the great powers are continuing to build large navies, are continuing to prepare for war, are continuing to prepare to become not only defenders but aggressors in the great world's arena of commerce and war, the United States will fall far short of its duty by failing to prepare itself so as to keep its place among the nations, by peaceful methods if possible; but if not, to preserve it by such force as may be necessary. If those who favor the neutralization by treaty of the Panama Canal would lend their efforts as earnestly to legislation having for its object universal disarmament, they would be proceeding in a more logical manner. As has been stated by the gentleman from Ohio [Mr. KEIFER], we have 32,000 miles of seacoast. A strong argument used for this canal has been that it will enable one fleet in the Atlantic to cooperate with another in the Pacific, and thus increase the efficiency of our Navy, perhaps, 25 per cent. But what will this all amount to if we leave this canal at the mercy of an opponent in times of war? It has been the universal history of treaties of this sort that they have not been kept. In 1882 the British occupied the Suez Canal, although there was an expressed provision in the concession by Turkey that it should remain neutral. Of course, it will be claimed that this was not a treaty binding upon Great Britain, and probably true, but it shows that a nation takes advantage of every opportunity in times of war. The Balkan situation, Berlin treaty, Russo-Japanese War, and Korean problem, all are illustrations of the failure of nations to interfere where neutrality agreements are violated.

Supposing we have such a treaty and, unfortunately, war shall come with any power, be it European or oriental, and there is no protection against the enemy at the canal; our fleet is in the Pacific and the enemy's fleet is in the Gulf of Mexico; a warship steams into the canal and destroys the locks at Pedro Miguel and Miraflores and then proceeds to devastate the Atlantic coast, with our Navy successfully bottled up in the Pacific, except it comes around the Horn, what will our remedy be? Will it be claimed that the other nations will send their battleships to aid ours in the destruction of the enemy? No; it can not be, for it is the universal history of the world that nations are loath to send their armies or navies into conflict where the nation sending them has no direct interest. What about the violation of the treaty concerning Korea? Did we send battleships? What about the violation of the treaty concerning the principalities of southern Europe, the Berlin treaty? Did the nations of the world send their battleships? Most emphatically, no. Then, what will our remedy be in case of violation? Nothing but indemnity—damages, if you please. Now, I think every patriotic American will admit, if the time ever comes when we are again engaged in a great conflict upon land or by sea, that indemnity is not what will be looked for, but rather victory and the cessation of hostilities. We might secure victory without the canal, but at great cost and after a prolonged struggle, whereas with it as our own asset the struggle might be of short duration.

Apropos of this discussion, a letter from that great statesman, James G. Blaine, to Minister Lowell in 1881 on this subject is interesting and shows how he viewed this great question. It is as follows:

> This Government, with respect to European States, will not consent to perpetuate any treaty that impeaches our rightful and long-established claim to priority on the American Continent. The United States seeks only to use for the defense of its own interests the same forecast and provision which Her Majesty's Government energetically employs in the defense of the interests of the British Empire. To guard her eastern possessions, to secure the most rapid transit for troops and munitions of war, and to prevent any other nation from having equal facilities in the same direction Great Britain holds and fortifies all the strategic points that control the route to India. At Gibraltar, at Malta, at Cyprus, her fortifications give her the mastery of the Mediterranean. She holds a controlling interest in the Suez Canal, and by her fortifications at Aden and on the Island of Perim she excludes all other powers from the waters of the Red Sea and renders it practically mare clausum. It would, in the judgment of the President, be no more unreasonable for the United States to demand a share in these fortifications, or to demand their absolute neutralization, than for England to make the same demand in perpetuity from the United States with respect to the transit across the American Continent. The possessions which Great Britain thus carefully guards in the East are not of more importance to her than is the Pacific slope, with its present development and assured growth, to the Government of the United States. * * * Nor must it be forgotten that India is but a distant colony of Great Britain, while the region on the Pacific is an integral portion of our National Union, and is of the very body of our States. The inhabitants of India are alien from England in race, language, and religion. The citizens of California, Oregon, and Nevada, with the adjacent territories, are of our own blood and kindred—bone of our bone, and flesh of our flesh. Great Britain appreciates the advantage and perhaps the necessity of maintaining, at the cost of large military and naval establishments, the interior and nearest route to India, while any nation with hostile intent is compelled to take the longer route and sail many thousand miles through dangerous seas.
>
> It is hardly conceivable that the same great power which considers herself justified in these precautions for the safety of a remote colony on another continent should object to the adoption by the United States of similar but far less demonstrative measures for the protection of the distant shores of her own domain, for the drawing together of the extremes of the Union in still closer bonds of interest and sympathy, and for holding to the simple end of honorable self-defense the absolute control of the great waterway which shall unite the two oceans and which the United States will always insist upon treating as part of her commercial coast line. If a hostile movement should at any time be made against the Pacific coast, threatening danger to its people and destruction to its property, the Government of the United States would feel that it had been unfaithful to its duty and neglectful toward its own citizens in permitting itself to be bound by a treaty which gives the same right through the canal to a war ship bent on an errand of destruction that is reserved to its own Navy sailing for the defense of our coast and the protection of the lives of our people. As England insists, by the might of her power, that her enemies shall strike her Indian possessions only by doubling the Cape of Good Hope, the Government of the United States will in like manner insist that the interior, the safer and more speedy route of the canal, shall be reserved for ourselves, while our enemies, if we shall ever be so unfortunate as to have any, shall be remanded to the voyage around Cape Horn. * * * Whenever, in the judgment of the United States Government, the time shall be auspicious and the conditions favorable for the construction of the Nicaraguan Canal, no aid will be needed outside of the resources of our own Government and people; and while foreign capital will always be welcomed and never repelled, it can not henceforth enter as an essential factor in the determination of this problem. Every part of the Clayton-Bulwer treaty which forbids the United States to fortify the canal and hold the political control of it in conjunction with the country in which it is located, is to be canceled.

If this canal is to be built and operated by our Government, it would seem that we are derelict in our duty if we fail to take every precaution necessary to preserve it to the nations of the world. It is interesting to know that when the Hay-Pauncefote treaty was being negotiated in 1900 Lord Lansdowne, in a memorandum accompanying a dispatch concerning the final treaty, said:

> In my dispatch I pointed out the dangerous ambiguity of an instrument of which one clause permitted the adoption of defensive measures, while another prohibited the erection of fortifications. It is most important that no doubt should exist as to the intention of the contracting parties. As to this I understand that by the omission of all reference to the matter of defense the United States Government desire to reserve the power of taking measures to protect the canal, at any time when the United States may be at war, from destruction or damage at the hands of an enemy or enemies. On the other hand, I conclude that, with the above exception, there is no intention to derogate from the principles of neutrality laid down by the rules. As to the first of these propositions, I am not prepared to deny that contingencies may arise when not only from a national point of view, but on behalf of the commercial interests of the whole world, it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities.

Of course this is a part of a communication only, but it shows that the British statesmen realized how necessary it might be that the canal be protected by some nation, not by treaty but with guns. This canal will soon be the greatest interoceanic highway and one of the most strategic points in the world. It is our canal, built by American men with American dollars. If we say anything to the world, let us say this: "Come together in a great international convention; let us agree that navies are useless, that war should cease, that nations shall settle differences by arbitration or judicial decision."

Let us say to them, "When you agree to such a universal disarmament we are prepared to tear down our batteries and raze our forts at Panama," and then invite Great Britain to do the same at Gibraltar, and the other nations to do the same throughout the world. This will be taking a step in the right

direction for universal peace. This will be an act which our countrymen will applaud, but while the present state of things continues to exist, let us not leave this great highway at the mercy of our opponents in times of war. It is claimed by some that no nation will ever dare attack the United States. I hope this may prove true; but to build this great canal and then leave it unprotected would be like building a modern sky-scraper, fireproof, so called, and then fail to install water protection because fire is not likely to occur. The old maxim, "In times of peace prepare for war," is just as true in our national life to-day as ever. Let us have universal peace, but let us proceed by way of universal disarmament rather than by exposing our national resources to the mercies of the nations of the world.

Mr. GARDNER of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Chairman, it is not my intention to make a speech, but since the gentleman who has just preceded me [Mr. KOPP] has discussed the subject of fortification of the Panama Canal, it seems an opportune time to present some documents which I think will prove of great interest touching the Panama Canal. The first is a letter written from the Canal Zone, under date of November 8, 1910, by Dr. Henry Sturgis Drinker, who was there on a visit of inspection along with other members of the American Institute of Mining Engineers. Dr. Drinker is well qualified to speak as an expert in such matters. He is not only a skilled engineer but a man of great learning and of wide experience in large affairs before he was called to his present position as president of Lehigh University, that great institution which has sent forth so many practical and successful engineers and prominent men in different avocations of life.

The next matter I desire to present is a series of resolutions adopted by the members of the American Institute of Mining Engineers who visited and inspected the Panama Canal in November, 1910. These resolutions were adopted on the steamer on their way home. These resolutions express the views of experts fresh from an examination of that great work in which this whole country is now so much interested. They are signed by 77 men, very prominent, and covering in their activities nearly every section of the country. Several of them, besides Dr. Drinker, are from my own State, such men, for instance, as Mr. W. A. Lathrop, now president of the Lehigh Coal and Navigation Co., a gentleman of very wide experience in mining as well as in construction and in the management of great enterprises. The list is headed by the president of the American Institute of Mining Engineers. When 77 such men as these agree touching such a matter, their report can not fail to be of very great importance and interest.

Mr. Chairman, I ask unanimous consent to extend my remarks, so as to include these papers in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

PANAMA CANAL.

[Letter from Dr. Henry Sturgis Drinker, president of Lehigh University, while attending the Canal Zone meeting of the American Institute of Mining Engineers, dated Colon, Canal Zone, Nov. 8, 1910, and addressed to the editors of the Brown and White, the university organ.]

COLON, CANAL ZONE, *November 8, 1910.*

To the EDITORS OF BROWN AND WHITE:

We reached Colon, on the Atlantic side of the Isthmus, on the morning of November 1, passing on our way in the old seaport of Porto Bello, so mercilessly raided by Morgan and his buccanneers in 1668. Now the locality is peacefully distinguished by the quarry that the Canal Commission has established there for procuring stone for concrete. A great hillside is being worked down, and the material after being broken down to the proper size, is taken in barges to Colon. (There is another large quarry and crushing plant on the Pacific side.) At Colon we had time to stroll around the town, but there is little to be seen of much interest. Colon—formerly Aspinwall—on the Atlantic side, and Panama, on the Pacific side, were retained by the Republic of Panama—being the two main cities of the Republic—and excepted out of the grant of the Canal Zone to the United States, though they fall within the lines bounding the zone. The United States, however, by the treaty of November 18, 1903 (ratified by the United States Senate February 23, 1904), for acquisition of the zone, was given perpetually the power to enforce its sanitary ordinances, and to maintain public order in Colon and Panama in case the Republic of Panama should not be, in the judgment of the United States, able to do so.

The zone is 10 miles wide with an area of about 448 square miles with the canal through the center, about 40¾ miles in length from shore to shore—about 50 miles from deep water to deep water. We were taken by special train across to Panama, reaching the Hotel Tivoli, at Ancon, in the afternoon. There is an American Canal Zone settlement at Cristobal, adjoining Colon, and another at Ancon, adjoining Panama. The headquarters of the subsistence department are at Cristobal, and the administration building and main hospital are at Ancon.

The entire canal work and management is in the hands of a commission, appointed by the President, and in all matters subject to his direction and control. The members are: Col. G. W. Goethals, chairman, with Lieut. Cols. H. F. Hodges, D. D. Gaillard, and William L. Sibert, and H. H. Rousseau, civil engineer, United States Navy, as assistants and division engineers; Mr. Maurice H. Thatcher, Mr. Joseph Bucklin Bishop, secretary. In going over the work now and in inspecting the layout and condition of the buildings, shops, and plant generally, the first strong impression made on one is a feeling of overwhelming admiration for the masterly and minute care and ability with which the whole project is being developed and managed—quietly, with little talk or fuss, but systematically, scientifically, thoroughly, and energetically. During our week here we have been given every opportunity to view the work. We first, on November 2, ran over in a special train a large portion of the reconstructed Panama Railroad, of which Mr. J. A. Smith, a former Lehigh Valley Railroad man in the Wyoming region, and an able manager, is superintendent, and we then visited the great Culebra Cut, the difficulties of which are staggering in their immensity. This cut is some 9 miles long—bottom width of channel 300 feet; highest point of excavation on center line 312 feet—at Contractors' Hill, 410 feet, and at Gold Hill, 534 feet, and its greatest width about 1,900 feet, but this width is subject to slides and changes until the sides take on their final angle of rest. From May 4, 1904, to April 1, 1910, some 45,624,605 cubic yards of earth and rock were removed, leaving 32,417,690 cubic yards as the estimated amount still to be removed. The systematic, orderly, expeditious transportation of excavated earth and rock, the arrangements for dumping, the absence of transportation congestion, or of car shortage in handling the immense amount of material carried from the cuts and on the railroad generally, show a perfection of organization in the transportation department that calls out the enthusiastic praise of experienced railroad men. Steam shovels are, of course, everywhere used for both earth and shattered rock, and in the rock work the machine rock drills of our friends, the Ingersoll-Rand Co., are doing great work in the Culebra Cut, in the quarries, and all over the work.

November 3 we inspected at Culebra models of the locks, which showed clearly their mode of construction and operation. On our return to Ancon we attended a reception to the institute by His Excellency Pablo Arosemena, President of the Republic of Panama.

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November 4 we visited the locks at Pedro Miguel and Miraflores. November 5 inspected the Pacific entrance and the islands in Panama Bay, and visited and lunched at the sanitarium for convalescents at Taboga Island. November 6 (Sunday), rested. November 7 visited and inspected Gatun Dam.

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So far as a project of such stupendous magnitude as this canal can be taken in in so short a time, we have been over it all. It has to be seen to be appreciated, and next to being actually seen and inspected it should be studied, not only with facts and figures from an engineering standpoint, but with illustrations of the work.

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In the first place, bear in mind that no man can study the ground here and go over the plans that have been worked up and hesitate for a moment in the choice between a sea-level and a lock canal. A sea-level canal is simply out of the question. Sentimentally one is inclined to it—most of us have, in ignorance of the real facts, favored the sea-level idea. I know that I did until I came here and had my eyes opened, and it is interesting to note that of the 85 engineers in this party, coming from 18 States and 36 colleges or universities, the unanimous opinion expressed at a meeting held after inspection and study of the canal was in favor of the lock system of construction, and decidedly against the sea-level type. The decision of the Government in favor of a lock canal was finally reached after extended consideration of the two types by a board of 13 consulting engineers—8 Americans and 5 representing European countries—which met in June, 1905. The 5 foreign engineers, with 3 others of this board, favored the sea-level plan; perhaps it was natural that the foreigners should favor the French plan. Five American engineers recommended a lock canal. Finally, after consideration of the reports, the members of the Isthmian Canal Commission recommended to the President the adoption of a lock canal, the summit level to be 85 feet above tide, the type recommended by the American minority report of the board of consulting engineers, for the following reasons:

1. Its first cost will be much less than that of a sea-level canal, nearly $200,000,000 less.
2. It can be completed much more quickly, fully six years.
3. Its cost of operation and maintenance, including fixed charges, will be less by several million dollars per annum.
4. It provides greater safety for ships and less danger of interruption to traffic by reason of its wider, straighter, and deeper channel.
5. It provides quicker passage for large ships and large traffic.
6. At equal cost the lock canal would probably be preferable, as insuring safety from floods, straighter navigation, and less cost of maintenance .

The lock type of 85-foot level was adopted, and construction thereon is now far advanced. There is no reason to doubt that it will be completed in 1914, and the canal opened to traffic in 1915. As President Roosevelt has pithily summarized the matter, "Hereafter attack on this type, the lock type, is in reality merely attack upon the policy of building any canal at all."

There will be 12 locks, all in duplicate. Three pairs in flight at Gatun (Atlantic side), with combined lift of 85 feet; on the Pacific side, one pair at Pedro Miguel (commonly called Peter McGill), with lift of 30½ feet, and two pairs at Miraflores with combined lift of 54§ feet (at mean tide). The dimensions of all are the same—a usable length of 1,000 feet, and a usable width of 110 feet. Each lock will be a chamber with walls and floor of concrete and water-tight gates at each end. It is estimated that 4,500,000 cubic yards of concrete will be used in the construction of the locks. Forty per cent of the concrete work at Gatun and 20 per cent on the Pacific side has been completed to this date. The cement comes from the Atlas Cement Co., in the Lehigh Valley. * * * Some 5,000,000 barrels are being supplied under this contract. The gates, for which our alumni, McClintic & Marshall, of Pittsburg, have the contract, will be steel structures 7 feet thick, 65 feet long, and from 47 to 82 feet high, weighing from 400 to 750 tons each. Ninety-two leaves will be required for the entire canal, the total weighing 57,000 tons.

One great possible danger, perhaps the greatest danger to the canal, that from tropical floods, has been obviated by the harnessing of the Chagres River through the construction of the great dam at Gatun, 9,040 feet long over all, measured on the crest, and 1,900 feet wide at

its greatest width from toe to toe. There will be 85 feet pressure of water for 500 feet, and for only about half its length the head of water on the dam will be over 50 feet. The dam is of earth with a core of impermeable material 860 feet wide at bottom. It appears to be well designed, with an enormous factor of safety. The channel of the canal will be located for a number of miles through the lake formed by this dam, and the lake will be an absolutely safe factor in receiving and distributing through its wide area (164 square miles, with a depth in the ship canal varying from 85 to 45 feet and a width in the channel varying from 1,000 to 500 feet) the floods in the Chagres and other tributary rivers. This will be a lake as large as Narragansett Bay, which can safely swallow the rise of even 40 feet in 24 hours that sometimes comes in the Chagres River (a stream ordinarily 300 feet wide and 2 or 3 deep), and this great lake will thus not only safely care for the flood waters, but will store them for canal use in the three months of the dry season, and provide ample depositing place for the silt and gravel carried down by floods.

It is gratifying to realize that this solving of the crucial problem in the canal, by the construction of the great Gatun Dam, was suggested by an American engineer, Mr. Ashbel Welch, in March, 1880, in a discussion of interoceanic projects before the American Society of Civil Engineers.

All the work on the canal is being done directly by the United States Government through the Canal Commission, not by contract, and under the conditions presented this is undoubtedly the best plan.

The idea of a canal to join the two oceans is nearly as old as the discovery of the Western Continent. Balboa crossed the Isthmus in 1513 and Saavedra, one of his followers, is said to have first advocated a canal in 1517. The matter was considered by Charles V and by his successor Philip II. Philip, however, was perplexed, as others have been since, by conflicting reports of engineers, so he laid the matter for spiritual advice before the Dominican friars, who, after profoundly pondering the question from an ecclesiastical standpoint, quoted the following verse from the Bible as having direct reference to the Isthmian Canal:

"What God hath joined together, let no man put asunder."

So Philip dropped the idea, and the canal project slumbered for two centuries after his death.

During the last century, beginning with a move by Spain in 1814, various plans for canals, by the Tehuantepec, Nicaragua, Panama, and Darien routes have been discussed, but nothing was practically done until Ferdinand de Lesseps took up the idea in 1878 with his energy and his Gallic fund of sentiment and enthusiasm. The French failed apparently for two reasons:

First. They were defeated by want of knowledge of how to cope with the frightfully insanitary conditions presented.

Second. They undertook an impracticably large task in trying to build a sea-level canal under the unfavorable conditions presented.

Work was finally suspended by them in 1889, when over $260,000,000 had been spent, and about 66,700,000 cubic yards of excavation had been done, at a cost of nearly $4 per cubic yard. A new French company took up the work again in 1894 with the idea of altering the plans to a lock canal with a summit level of 113 feet, and excavated about 11,400,000 cubic yards more before the sale and transfer of all its rights and property to the United States Government in 1904, for $40,000,000, the first asking price having been $109,000,000. Under this purchase the United States secured not only ample consideration, but a very good bargain, viz:

Excavation by the French, useful to the present American project, $27,000,000.

The Panama Railroad (for which De Lesseps paid $18,000,000).

Some 76,000 acres of land.

Maps, drawings, and other technical data, valued at $2,000,000.

Buildings, machinery, etc., valued at $3,500,000.

The French machinery was of excellent grade as to quality of material and workmanship. It was the best of its kind when purchased. In design, speed, and size of units it is far behind the present standards. As one goes over the work to-day, one sees on all sides discarded pieces of this machinery, bone yards of old material, which Congress refused (from fear of making some exception in the tariff) to allow the commission to ship home free of duty to sell as old iron. Kindly nature is rapidly covering these sad relics of an unhappy past with a veil of tropical green, and hiding them from the criticism of the careless visitor and from the technical inspection of the modern engineer.

The United States at first attempted to negotiate with the Republic of Colombia for the canal strip, but unsuccessfully. The generally received opinion is that, in addition to the payments proposed to be made to Colombia, individual demands were made for commissions which could not be considered by the United States. The Province of Panama then seceded from Colombia, and a satisfactory treaty was negotiated by which the United States acquired, for $10,000,000 and an annual payment of $250,000 to begin nine years after the ratification of the treaty, absolute control over the Canal Zone, with jurisdiction over the adjacent oceans for 3 miles from shore.

The formal transfer of the property of the French Canal Co. to the United States took place May 4, 1904; the first two and one-half years, until January, 1907, were devoted to thorough and essential work of preparation (including sanitary regeneration, building up a proper organization, assembling plant and materials, providing living and eating quarters for nearly 5,000 American employees and over 25,000 laborers, and reconstructing the Panama Railroad), which resulted in advancing and developing the territory, which was practically in the same state as it was in the sixteenth century, to the plane of twentieth-century civilization. When we realize the frightfully insanitary conditions under which the French worked, the wonder is not that with their great resources they failed, but that they had the energy to accomplish so much. Nor were they to blame, for when De Lesseps suspended work in 1889, the cause of the transmission of yellow fever and malaria had not been determined. The French did all that the medical science and knowledge of their day taught them to do. They built, at great cost, good large airy hospitals, with open windows, unscreened, where their yellow fever and malarial patients received careful attention, but which were simply ideal places for the propagation of yellow fever. The festive Stegomyia mosquito, which carries yellow fever, and the Anopheles, which carries the malarial germ, would sail in through the open windows, and the Stegomyia would sting a yellow-fever patient, and in due course sting an uninfected patient suffering from some other complaint and thus communicate the fever to him, and the Anopheles would show an equal devotion to duty in propagating malaria, and this was continuous.

Dr. Carlos J. Finlay, of Habana, was the first to announce, in 1881, the theory that the mosquito thus carried disease, but his experiments were not conclusive, as he used mosquitoes for infection at too short an interval (four or five days) after their biting a patient. Twelve days must elapse before the bite of a mosquito contaminated with yellow fever becomes infecting, and the contamination is only effected during a subsequent period of three or four days during which the mosquito is itself actively affected with the fever.

The fact that the Anopheles carries malaria was established by experiments made in 1898 by Dr. Roland Ross, of the British Indian Army Medical Service, and by three Italian physicians, Drs. Bigami, Bastianelli, and Grassi.

The yellow-fever mosquito theory was tested and demonstrated in Cuba in experiments extending from June, 1900, to February, 1901, by a board of physicians appointed by the Surgeon General of the United States. Of this board Drs. James Carroll and Jesse W. Lazear submitted themselves to be bitten by mosquitoes, infected with yellow fever, as a test. Both had the disease; Dr. Carroll recovered, but Dr. Lazear died, a martyr to a scientific investigation of paramount value to the human race. A beautiful tribute was paid to his memory in a masterly address by Mr. Joseph Bucklin Bishop, secretary of the commission, on May 8, 1910, on the dedication of the memorial windows in St. Luke's Church, at Ancon, in memory of those who lost their lives during the construction of the canal.

Later, under Dr. John Guiteras, of Habana, further tests were made, and among those infected a young American nurse, Miss Clara B. Maas, of Orange, N. J., died. Other experiments showed conclusively that the disease was not contagious. Several nonimmune Americans voluntarily entered a room made dark, warm, and moist, and containing a quantity of sheets, blankets, pillow slips, and garments, direct from a yellow-fever hospital. They slept for 20 consecutive nights in those contaminated surroundings, and none of them contracted the disease. It has thus been demonstrated that disinfection against yellow fever is valueless, except where it destroys mosquitoes. To-day, thanks to the incessant care and work of the sanitary corps, there is no yellow fever in the zone, and not a case has been known since 1905, and the number of malarial cases has been greatly reduced. Col. W. C. Gorgas, M. D., United States Army, chief sanitary officer, early came on the scene of action, and to him is chiefly due the credit of transforming the Canal Zone from a plague spot into one of the healthiest places in the tropical belt.

The pluck of the French in initiating and in carrying on the work for 10 years and later renewing it, against impossible conditions, is almost incredible. Mr. Claude C. Mallet, now British minister to the Republic of Panama, who has been on the Isthmus for many years, told me that he once went out, years ago, with a French exploring party, to start some work. They made camp on the banks of a stream, cutting into the jungle to do so. During the night the tent was infested with mosquitoes and various insects and snakes, and an enterprising alligator was stopped while carrying off a bag of dried fish. Most of the party sickened, and over a majority died of yellow fever. On the return of the party to Panama a Frenchman told Mr. Mallet that he could raise no money until the party was paid off, and asked Mr. Mallet to aid him to procure a new coat, which Mr. Mallet agreed to do, and the Frenchman selected a fine Prince Albert coat and suit. An appointment was made to meet at lunch next day, but the Frenchman did not appear, and on Mr. Mallet's inquiring for him, he found that the Frenchman had died of yellow fever during the night and had been buried at 9 a. m. in the Prince Albert coat, for which Mr. Mallet had paid.

This is only one concrete, well-authenticated instance in an absolutely incredibly frightful condition of affairs. No wonder it resulted in financial and business disorganization and ruin, and our people did wisely and well to go slowly at first by making conditions possible before trying to do work.

The pathetic experience of M. Dingler, one of the leading director generals of the French company, shows the spirit of the French attitude to the work. Dingler is said to have scoffed at the stories of the fatal effects of sickness on the Isthmus—"I intend to show them that only drunkards and the dissipated take the yellow fever and die there." He lost his wife and his three children by yellow fever, went mad, and died in an insane asylum.

A party of 17 French engineers came on one steamer, 16 of them died from yellow fever; 24 Sisters of Charity came to Ancon Hospital at one time, 20 died of yellow fever. Dr. Gorgas estimates that one-third of the Frenchmen who came to the Isthmus during the French construction died of this disease.

To our Temperate Zone experience the great rainfall would seem at first a serious obstacle, but the institute made its visit in the rainy season, and the work was seen to go on steadily, rain or shine. The rainfall averages 100 inches per annum, being greater on the Atlantic than on the Pacific side. On November 7, while we were inspecting Gatun Dam, a rainfall occurred of 3.39 inches in 59 minutes. Our average fall at home is, I believe, about this much in a month.

As designed, the canal will have ample water for the 48 lockages that can be made per day of 12 hours (each taking 15 minutes). This will, it is estimated, pass about 80,000,000 tons per annum. It is expected that a vessel can easily make the transit of 50 miles from deep water to deep water within less than 12 hours. The tonnage now passing through the Suez Canal is about 21,000,000 gross tons per year, and through the American Sault Canal 40,000,000 gross tons per year. Should the day come when greater capacity is needed, other locks paralleling the present ones can be built, and the storage of additional water to carry over the dry season can be had from a dam at Alhajeula. The Atlantic channel is 41 feet below mean sea level and the average range from low to high tide is not over 1½ feet. The Pacific channel is to be dredged to 45 feet below mean sea level; on the Pacific side the tides have a range of 23 feet. The elevation of both oceans is the same at half tide.

Electricity, generated by water turbines from the head at Gatun Dam, will be used to tow vessels through the locks and to operate the gates, valves, etc.

We lunched on November 7 at the employees' eating house at Gatun. We were assured that the food was of the quality steadily provided. It was excellet. The coffee was the only good coffee we had tasted since leaving home, and feeling, from my experience in building up and running our own college commons, great interest in the commissary department, I went through the kitchens and serving arrangements. The whole business was run as our commons are run, direct by the governing power, with no contractor intervening to take a profit, or to have an interest in furnishing cheap materials. It was all clean, healthful, and good; well-managed, under the control of a major of the United States Army, Maj. Eugene T. Wilson, subsistence officer. The day has happily come when this great national engineering work is run with an eye not only to cost and expedition but with

care of the comfort, health, and pleasure of the employed, insuring an esprit de corps, a spirit of contentment and zeal, highly conducive to good work, good morals, and good order.

As to earthquakes, the Isthmus appears to be outside the zone of disturbance. Masonry structures of unsubstantial construction have been standing in Panama for upward of 200 years. No danger from this source need, apparently, to be apprehended.

Work is proceeding under the revised estimate of 1908, in round numbers, as follows:

Engineering work (total)	$297,766,000
Sanitation, $20,053,000; civil administration, $7,382,000	27,435,000
French Co., $40,000,000, and Republic of Panama, $10,000,000	50,000,000
Total estimated cost of completed canal	375,201,000

Three million three hundred thousand dollars has been expended in the cities of Colon and Panama for pavements, waterworks, sewers, etc. This sum will be returned to the United States Treasury by water rates collected by the United States during the next 50 years.

CANAL STATISTICS.

Length from deep water to deep water, 50½ miles.
Length on land, 40½ miles.
Bottom width of channel, maximum (Gatun Lake), 1,000 feet.
Balance of distance through Gatun Lake, 800 to 500 feet.
Bottom width of channel, minimum, 9 miles, Culebra Cut, 300 feet.
Average bottom width throughout canal, 649 feet.
Locks, in pair, 12.
Locks, usable length, 1,000 feet.
Locks, usable width, 110 feet.
Gatun Lake, area, 164 square miles.
Gatun Lake, channel depth, 85 to 45 feet.
Minimum depth of canal throughout, 41 feet.
Excavation, estimated total, 174,666,594 cubic yards.
Excavation, amount accomplished by November 1, 1910, 120,000,000 cubic yards; being two-thirds of all to be excavated and leaving 60,000,000 cubic yards yet to be removed.
Excavation by the French, 78,146,960 cubic yards.
Excavation by French, useful to present canal, 29,908,000 cubic yards.
Excavation in 1907 (beginning of American work on large scale), 15,765,200 cubic yards.
Excavation, 1908, 37,000,000 cubic yards.
Excavation, 1909, 35,000,000 cubic yards.
Excavation, two years, 1908–9, 72,000,000 cubic yards; or, a monthly average of 3,000,000 cubic yards, nearly one-half of entire excavation for canal; 2,500,000 cubic yards can readily be excavated monthly.
Concrete, total estimated for canal, 5,000,000 cubic yards.
Time of transit through completed canal, 10 to 12 hours.
Time of passage through locks, three hours.
Relocated Panama Railroad, estimated cost, $7,225,000.
Relocated Panama Railroad, length, 46.2 miles.
Canal Zone, area, about 448 square miles.
Canal Zone area owned by United States, about 322 square miles.
French buildings, number acquired, 2,150.
French buildings, number used, 1,537.
French buildings, net value when acquired, $1,959,203.
Value of utilized French equipment, $1,000,000.
Canal force, actually at work, about 39,000.
Canal force, Americans, about 5,500.
Cost of canal, estimated total, $375,000,000.
Work begun by Americans, May 4, 1904.
Date of completion, January 1, 1915.

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And now this eventful trip is ending, and we are about to board ship for home and Lehigh—a pleasant thought. We have been given the fullest opportunity for inspection and study of this great work, and go home profoundly impressed with its magnitude and prospective great value to our country and to the world—and very proud, as Americans, of the admirable way in which it is being carried on. We hope that this feeling, shared in unanimously by the 85 engineers and business men composing the party, may be communicated far and near to our fellow-countrymen at home, by this body of men representing, as graduates, 36 colleges or universities, and as citizens 18 States of the Union. The attendance by colleges is: Amherst, 2; Ann Arbor, 1; California, 1; Columbia, 10; Clausthal, 1; Cornell, 3; Darmstadt, 1; Dickinson, 1; Freiberg, 3; Harvard, 4; Haverford, 1; Heidelberg, 1; Kenyon, 1; Lafayette, 3; Lehigh, 10; Massachusetts Institute of Technology, 1; Michigan, 2; Minnesota, 1; Missouri, 1; Pennsylvania, 4; Pittsburg, 2; Polytechnicum Grätz, 1; Princeton, 1; Siegen, 1; Stevens, 1; Swarthmore, 2; Syracuse, 1; Toronto, 1; Troy, 2; Union, 1; Vienna, 1; Washington and Jefferson, 1; West Point, 1; Virginia, 1; Williams, 1; Yale, 1. Total, 71, and deducting 10 duplications, net total, 61. (Twenty-four noncollegians.) The attendance by States is: Colorado, 6; Delaware, 1; District of Columbia, 4; Illinois, 1; Kentucky, 1; Massachusetts, 3; Michigan, 1; Minnesota, 2; Montana, 1; Nebraska, 1; New Jersey, 3; New York, 23; Ohio, 4; Pennsylvania, 27; West Virginia, 4; Virginia, 2; Wisconsin, 1. Total, 85.

HENRY STURGIS DRINKER.

RESOLUTIONS ADOPTED BY THE MEMBERS OF THE AMERICAN INSTITUTE OF MINING ENGINEERS WHO VISITED AND INSPECTED THE PANAMA CANAL NOVEMBER, 1910.

STEAMSHIP PRINZ AUGUST WILHELM,
At Sea, November 14, 1910.

We, the undersigned, members and guests of the American Institute of Mining Engineers, after a visit to the Isthmus of Panama, and inspection of the work of the United States Isthmian Canal Commission, and after full discussion of our individual impressions, find ourselves in unanimous agreement as to the following conclusions:

1. The present plan of the work is clearly practicable, and the best, in our judgment, that could be devised under the conditions imposed. It is perhaps a question whether by the choice of a higher level some of the difficulties and uncertainties of excavation in the Culebra Cut might not have been minimized; but a higher level has its disadvantages also, and no one now seriously proposes such a plan. On the other hand, we are convinced that a canal at a lower level, and especially at sea level, is practically out of the question; that no man can estimate its cost, or even guarantee its satisfactory completion and maintenance at any cost. We are satisfied that the sea-level canal, as proposed, if actually completed, would be inferior to the present lock canal, by reason of its necessarily narrow and tortuous channel, its liability to many disturbances from which the lock canal is comparatively free, etc. The experience gained in the Culebra Cut throws additional light upon the sea-level plan, and renders that scheme less worthy of approval by engineers than it was when with less information some eminent authorities favored it. In a word, we do not think that any prudent engineer would now recommend the deepening of the Culebra Cut below the level now fixed for it.

The creation of the great Gatun Lake, by means of the Gatun Dam, seems to us to be the best possible way of dealing with the floods of the Chagres and other streams. The location of the Gatun Dam, spillway, and locks is singularly favorable for such construction; and there is, in our judgment, no reason for any anxiety as to their stability.

The one serious remaining problem is presented by the nature of the ground in the Culebra Cut. There have been extensive slides on the sides of this excavation, and more of them are to be expected; but they involve nothing more than the cost and delay of removing the material which they will force into the cut. They will ultimately end, and we regard as reasonable the calculation of the engineers in charge as to the time and money which they may call for. The results of these calculations are included in the estimates of the commission as to the cost of the canal and the date of its completion.

2. We are unanimous in our praise of the manner in which sanitation, excavation, transportation, and construction are performed with rapidity, skill, and economy. A spirit of loyalty, emulation, industry, and pride seems to animate employees and officers alike. This spirit, so difficult to arouse among workers in tropical climates, is due in this case to two causes—first, the inspiring example of Col. Goethals and his associates, and, secondly, the splendid work of the sanitation department under Col. Gorgas. The cities of Panama and Colon, though politically outside of the Canal Zone, have shared in the benefits of the sanitary administration and reflect an unwonted cleanliness, comfort, and safety.

3. We acknowledge the entire freedom and fullness with which everything we desired to see was shown to us, and everything we desired to know was told us by the officers of the commission. There was evidently no wish to withhold or conceal anything. On the contrary, inquiry and criticism were frankly sought and heartily welcomed.

This is but a meager summary of the points on which we are agreed. The details of individual opinion will appear later in the published report of our discussions. Meanwhile, we unite in this common declaration, which covers our conclusions on all main points. We think the present plan of the canal is good, that the work is in thoroughly capable hands, that it is progressing satisfactorily, and that it will be completed by the date set for it—January 1, 1915—and probably earlier, provided Col. Goethals and his associates receive the hearty support of the American people and its representatives in Congress. The canal engineers are the right men in the right place. The great work in which they are engaged is not connected with partisan politics, and citizens of all parties should combine to secure its early and triumphant completion. In that consummation every American should take greater pride than in any victory of military or political conflict.

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Alan Wood Iron & Steel Co., Conshohocken, Pa.; Thomas D. Wood, iron manufacturer, Alan Wood Iron & Steel Co., Bryn Mawr, Pa.; John W. Ailes, general manager and treasurer Crescent Coal Co., Pittsburg, Pa.; William I. Berryman, attorney at law and trust officer, Union Trust Co., Pittsburg, Pa.; Alexander L. Brodhead, mining engineer, Crane Iron Works, Catasauqua, Pa.; W. J. Davidson, president Staten Island Shipbuilding Co., Port Richmond, N. Y.; D. C. Dodge, Denver, Colo.; John W. Donnau, attorney at law, Washington, D. C.; Philip Goodwill, formerly president the Pocahontas Co., Bramwell, W. Va.; William Ellery Greene, W. Bingham Co., Cleveland, Ohio; C. B. Houck, vice president and general manager W. B. & H. Ry. and L. T. Co., Hazleton, Pa.; Bedford Leighton, insurance, Binghamton, N. Y.; W. F. Mackay, Hayden, Miller & Co., bankers, Cleveland, Ohio; D. G. Miller, manager the Commodore, May Day, and Frank Hough Manufacturing Cos., Denver, Colo.; Frank P. Miller, secretary and treasurer Frank P. Miller Paper Co., East Downington, Pa.; T. T. I. Miller, superintendent of manufacturing, Poughkeepsie, N. Y.; D. G. Moore, president the Port Johnston Towing Co., 1 Broadway, New York, N. Y.; Thomas W. Orbison, hydraulic engineer, O'Keefe-Orbison Co., Appleton, Wis.; C. M. Russell, president Massillon Iron & Steel Co., Massillon, Ohio; Robert C. Sahlin, South Bethlehem, Pa.; Frederick R. Sayen, secretary Mercer Rubber Co., Hamilton Square, N. J.; F. L. Schoew, president Howard Colliery Co., Bramwell, W. Va.; W. S. Stewart, M. D., Wilkes-Barre, Pa.; Charles S. Thomas, jr., mining engineer, Denver, Colo.; Michael Tracy, merchant, 1 Broadway, New York, N. Y.; Joseph Underwood, coal operator, Roscoe, Pa.; A. E. Vaughan, broker, 15 Broad Street, New York, N. Y.; Frank M. Warren, mining engineer, 3443 South Irving Avenue, Minneapolis, Minn.; Edwin L. Watson, manufacturer, 1160 Main Street, Worcester, Mass.; H. M. Weaver, manufacturer, Mansfield, Ohio; Hugo Weinberger, mechanical engineer, Vienna, Austria; William Wilke, chemical engineer, 86 Norwood Avenue, Buffalo, N. Y.; S. H. Sherrerd, civil engineer, the Spanish-American Iron Co., Felton, Cuba.

Mr. GARDNER of Michigan. Mr. Chairman, I now yield one hour to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, I wish to call the attention of the House to the question of retirement or pensions for the civil employees of the Government. I do not think I am assuming much or that I accuse the House either of surprising ignorance or lack of industry in suggesting that I do not believe many Members have given much thought or consideration to the bills that are pending. I know that within the last few days, when it was thought the question might come up, several Members came to me inquiring about the bill which our committee reported. Some of them said they were against the bill, because they did not believe in the Government pensioning clerks at all. Others said some of their Government employees at home thought it was not liberal enough. I thought the fact that it did not satisfy either extreme—those who were against all Government assistance and those who wanted the most possible—was, perhaps, an indication that it was calculated to satisfy those who looked at it impartially and considered the interest of both the Government and its employees. I asked all who spoke to me if they had ever read the bill, and none admitted that he had, and I assume that as a rule the occupations of the Members have prevented their giving the attention to this subject which I think it deserves. I believe this is one of the most important problems which confronts us.

The pay roll of the civil service of the Government is about $200,000,000 a year, larger than the military or the naval service, and yet there has been no legislation for that service, except in the regular appropriation bills, for about 30 years. In 1883 the method of appointment had produced such demoralization and scandals that under the pressure of public opinion the civil-service law was enacted. That has produced better and more extensive results than its originators could have even hoped, and though by no means ideal has remedied the most flagrant abuses, has won its way into popular favor, includes now 170,000 employees, and no better system has yet been devised. But though the entrance thus provided is satisfactory, though the front door is ample and of good style, yet all the rest of the structure is antiquated and in great need of repair.

The old system of promotion by favoritism and influence has not been prevented; there is great need of a new system of classification, so that there shall be some relation between the class of work done and the amount of salary received, and there should be some method of ridding the service of those whose advancing age prevents their doing full work, but whose infirmities and poverty forbid their peremptory discharge. To remedy this last evil is the object of the bill reported by the Committee on Reform in the Civil Service, H. R. 22013, a bill for the retirement of employees in the classified civil service.

There is an agitation all over the country and all over the world about old-age pensions. There is a constant agitation in this House about salaries of employees, of which we had a vivid illustration this afternoon when the question of Rural Free Delivery Service came up and Members crowded to make themselves popular with the carriers at home. But there is little thought given to a scientific and fair general readjustment, and I think we must admit it is a subject that is most important and challenges our attention.

Our bill is not fundamentally a pension bill, but a compulsory savings bill, and yet in order to put its system in operation it provides pensions for those now in the service. It provides that each employee of the Government shall have deducted from his monthly salary a certain sum, figured out by insurance tables, which, when he becomes 70 years of age, will be sufficient to give him an annuity equal to 1½ per cent of his salary for each year of his service. The way we determined the amount of that percentage was this: We said that if a man has been in the service and devoted his whole life to it, for instance, goes in as a clerk at 20 years of age and stays until he is 70 years of age, he is fairly entitled from that age on to have an annuity of three-quarters of his annual salary. Of course, theoretically the Government ought not to save that for him. Theoretically every man ought to be thrifty enough, and every employer ought to be generous enough, so that a man could each year lay aside sufficient from his annual income to provide for his old age. That is the ideal condition both in private and in Government service. But human nature is so constituted that a very small percentage of us are thrifty or farsighted or self-denying enough, or are so exempt from the ills and misfortunes of life that we can carry out what we admit is ideal, and let each man put aside and save for his old age. So unless the Government steps in and in some way, either by a pension or by a compulsory savings law, provides an annuity for each man, most of them when they get to 70 years of age will not have any accumulation.

And what is the result of that? We see it in the departments to-day. We see there a great number of men from 70 years up who are not competent to fairly perform their work, and yet are kept there because either their superior officer is not hard-hearted enough to turn them out in the world or because they have some congressional friend who intercedes for them; and so they stay there and clog the department.

I dropped into a Government office this summer, and was asking the official in charge about his employees. He informed me that there was a man there over 80 years old. I asked him if he did competent work, and he told me that he was really of no use to the Government, but that he would not turn him out. He had previously told me that he kept an official record of all the employees, and I asked him if he would let me see his report on that individual. I was rather amused, and I fancy this is illustrative of the whole service, to read his official report of this gentleman, which said that he was faithful and willing, but owing to the infirmities of age his work had to be "largely supervised." I asked him confidentially what he meant by that—it would read very well if you simply saw the record, and you might think he was an efficient employee—and he said, "It means that his work has to be all done over again." Yet that official kept him there because he would not, as most of us would not, turn him out. It was not costing the superior anything to keep him; it was only costing the Government; and so all through the departments there are on duty many old men who are not efficient and who ought to be discharged. Therefore we can face this fact, that if the Government contributes something to rid the departments of the superannuated who are now there it will not be an entire loss; there will be a substantial saving in getting new and efficient men to take their places. We are going to gain something, because in the place of these men who are not competent to do a full day's work, and yet who are mostly drawing high salaries, having been there many years, we will get young men who will probably do twice as much.

Mr. MARTIN of South Dakota. Will it interrupt the gentleman to make an inquiry at that point?

Mr. GILLETT. It will not.

Mr. MARTIN of South Dakota. Upon that very subject, has the gentleman or his committee succeeded in getting any estimate as to how much it is costing the Government annually to carry upon its rolls the names of men not competent by reason of infirmity to do any service or partially disabled from performing their duties?

Mr. GILLETT. No; we have found it impossible to get accurate estimates. The gentleman will recognize the difficulty, because when a department official comes before a committee, if he admits that he has in his employment men who are incapacitated, he admits thereby that he is violating the law, because you know we pass a law every year saying that no department shall keep anybody who is incapacitated. Consequently, even if they knew it, they would conceal the fact.

Mr. MARTIN of South Dakota. And still it is conceded that they know they are doing it?

Mr. GILLETT. Certainly.

Mr. MARTIN of South Dakota. Now, it occurs to me there ought to be some way of getting that condition expressed in figures, so that from the standpoint of the Government we might be able to know how much we can invest as a Government in this matter of pensions and show, if we are to put employees on a pension, whether we would be expending more than under the present system.

Mr. GILLETT. Let me say in reply to the gentleman's suggestion that we have found no way by which we could compute that. The best estimate I know is by one of the officials, who stated that he thought the men above 70 years here in Washington probably performed on an average three-quarters of their day's work. There is paid in Washington to men over 70 years of age $1,200,000 in salaries. Now, if they do only three-fourths work, then one-fourth of that $1,200,000 is wasted. That is $300,000 a year, and at that rate, inasmuch as there are only one-fourth as many in Washington over 70 as there are in the whole service, there is four times that amount, or $1,200,000 a year, that is paid for service that is not performed on account of superannuation. Of course this is not accurate.

Mr. NORRIS. Will the gentleman permit an interruption for the purpose of information? I would like the gentleman to return to the illustration he gave us about the man who was 80 years old. Did the gentleman investigate to find out how long that man had been in the service?

Mr. GILLETT. I did at the time, but I do not remember now.

Mr. NORRIS. Do you remember whether it was a long time?

Mr. GILLETT. It was a long time.

Mr. NORRIS. Did the gentleman investigate in that particular case, or make any inquiry and find out whether or not that man had, during his service, accumulated any money so that if he were discharged he would be able to live on his accumulation?

Mr. GILLETT. Yes; I was told that he had not accumulated anything.

Mr. GOULDEN. Will the gentleman yield to an interruption?

Mr. GILLETT. Certainly.

Mr. GOULDEN. Does not the gentleman believe that charge which he has made for inefficient service on account of superannuation would have to be borne by the Government in some way or other, or by the respective States and cities?

Mr. GILLETT. I will come to that later. The principle upon which this bill is framed is this: That if the Government could begin now and employ all new officials it would be easy to say that every man who went into the Government service should have deducted from his monthly salary a certain amount which, when he reached the age of 70, should be enough to give him a fair annual income. That would only compel him to do what he ought for his own sake to do without any compulsion. And the salaries should be fixed at a figure which would allow this deduction, and this would entirely do away with the whole question of superannuation in the service—and without any expense to the Government, unless indeed it caused a general increase of salaries.

But everyone must admit that the salary should be of a size that would enable a man to live on it and also lay aside for his old age, so it seems to me that theory as applied to new men entering the service is ideal. But, as the gentleman from New York suggests, the trouble in starting such a savings system is that a portion of the employees are so far advanced in years that you could not expect them to save enough before they reach 70 to live upon for the remainder of their lives. Therefore we were obliged to either make the bill apply only to those who should enter the service in the future or to make some other provision for those who are now so old that they can not reasonably be asked to lay aside enough before they become 70 to support them. And we decided that inasmuch as the Government is to-day practically pensioning many of the old men in the service at an estimated cost of $1,200,000 per year that it would improve the efficiency and morale of the service, and not cost any more, if we gave everyone over 70 a pension and retired them; and by doing that we could establish for all the future this principle of compulsory savings, so that when those now in the service shall have retired each man shall contribute from his own salary for his own retirement. We thought that even if it did involve some additional expense to the Government over the present system, which is improbable, yet it was worth while for the Government to pay something to establish such a permanent and satisfactory method of settling forever the question of superannuation. Thus the bill has two parts really quite independent. One provides that all future employees should have deducted from their salaries a fixed amount to support their old age. The other part provides that inasmuch as many of the men now in the service are too old to be able to save enough to support their old age the Government shall assume that burden. I will give later the exact cost and details. The two parts are quite independent. The first could be put in operation and leave present employees as they now are. But we thought it was better to inaugurate the system of deductions from everyone at once, and thus rid the departments at once of the evil of superannuation and establish what we think would be a great and permanent reform.

The bill provides that each person shall contribute monthly a sum sufficient to give him, when he becomes 70, an annuity equal to 1½ per cent of his salary for each year of his service. If he enters at 20 and stays till 70 at a salary of $1,200 he has served 50 years and should receive 1½ per cent of his salary for each of those years. Fifty times 1½ equals 75 per cent, and 75 per cent of $1,200 equals $900, so he would have an annuity of $900. If he entered the service at 30, he would have served 40 years at age 70, and 40 times 1½ is 60, and 60 per cent of $1,200 gives him $720 per year.

If he did not enter till he was 50 years old, he would only serve 20 years, and 20 times 1½ is 30, and 30 per cent of $1,200 is $360. So a man entering the service at 50 would only lay by an annuity of $360 a year, and yet his percentage of deductions would be larger than the younger man, as I will explain later by the tables; so that this system would encourage men to enter the service young and stay permanently, which is advantageous for the service. The bill contemplates that men now over 70 shall be retired at once on an annuity of $600, to which they have contributed nothing. Everyone else shall begin at once to contribute. The older ones will not be able to contribute enough before they reach 70, and so the Government adds to their contributions enough to give them $600 a year for life. For example, in the case I just cited, if a man is now 50 and at 70 will have contributed enough to give him an annuity of $360, the Government would contribute $240 in addition, so that he would receive $600 a year. We limited the annuity to which the Government contributes to $600 because we thought that as it was a gratuity, something to which they were not entitled by their contract of service and only received as a gift, it should only be large enough to give them a support, and so we fixed the arbitrary limit of $600.

The younger men, who provide their own annuities, have no such limitations, but get the full amount of 1½ per cent of their salaries for each year of service. A Senate bill, introduced by Senator PERKINS, gives to these men in the service who get their contributions from the Government the same amounts of 1½ per cent of their salaries. That of course largely increases the cost to the Government, and we thought that $600 per year was sufficient for those who do not contribute it themselves, but are given it from the Treasury.

Now, I have the figures here to show just how much it would cost the Government to pay these pensions to those now in the service, and so inaugurate the system throughout the whole Government service of 170,000 men and rid the departments permanently of all over 70. It would cost $1,092,105 the first year; but, as I said a few moments ago, it is computed that we are already losing $1,200,000 by the inefficiency of these old men, so that really by dismissing them at that cost there would be no additional loss to the Government, but a saving. Then, it would increase little by little for 25 years, when it reaches its maximum, and would cost the Government for that year $2,533,760. Then it would decrease, reaching $1,000,000 in the forty-first year, and very rapidly dwindle away until at the end of 60 years it would be costing the Government hardly anything.

The force would then all be on a self-sustaining basis, and every man when he attained the age of 70 would be getting a pension from his own savings of 1½ per cent of his annual salary, multiplied by the number of years he had served. Now, that would cost the Government, in the whole 60 years, $87,000,000. That is a large sum, but it is spread over 60 years, and you want to remember that our present system of keeping men at full salaries long after they are unable to fairly earn them is probably costing more than that, so we would be paying no more in pensions than we practically are to-day, and we are establishing for all time a satisfactory system.

Moreover, this is an unusually favorable time to start such a system. The old men in the service are now very few proportionally, because they are the relicts of a time when the service was comparatively small. In the past 20 years the activities of the Government have spread enormously, and the number of employees has immensely increased, both by the

growth of the various departments and by the institution of entirely new classes, such as rural mail carriers. Consequently a large proportion of the service is filled with young men. Thirty and forty years from now, when they become old, the numbers to be retired will be vastly larger than now, but if this bill becomes law they will have earned their own retirement allowances, and the men now old and for whom the Government must provide are comparatively few, so that the expense of pensioning them and inaugurating the system would be less now than it probably ever will be again. Therefore our problem will increase in seriousness now each year, because the number of old men increases annually, and the sooner we begin the cheaper it will be.

Now, let me explain in some detail the bill which we have reported. The first section states the vital principle, and I will quote it in full:

That beginning with the 1st day of July next following the passage of this act there shall be deducted and withheld from the monthly salary, pay, or compensation of every officer or employee of the United States to whom this act applies an amount, computed to the nearest tenth of a dollar, that will be sufficient, with interest thereon at 3½ per cent per annum, compounded annually, to purchase from the United States, under the provisions of this act, an annuity, payable quarterly throughout life, for every such employee on arrival at the age of retirement as hereinafter provided, equal to 1½ per cent of his annual salary, pay, or compensation for every full year of service or major fraction thereof between the date of the passage of this act and the arrival of the employee at the age of retirement. The deductions hereby provided for shall be based on such annuity table as the Secretary of the Treasury may direct, and interest at the rate of 3½ per cent per annum, compounded annually, and shall be varied to correspond to any change in the salary of the employee.

You will observe that the amount of annuity which a man is to receive after he reaches 70 and retires depends upon the number of years he has served and the amount of his salary. He is to receive 1½ per cent of his annual salary for each year of service, or, put more simply, is to receive an income equal to 1½ per cent of all that he has ever received from the Government. Thus the longer a man has served and the greater his salary the greater his annuity. It looks like a difficult problem to determine just how much a man must contribute monthly to lay up a sum which will pay him such an annuity, but by the aid of insurance tables it is not difficult. And they show that in order to provide for himself that annuity when he reaches 70 a man with a salary of $100 per month would have to contribute as follows:

If he entered the service at—	Per month.	Annuity.
20 years	$4.30	$900.00
25 years	4.80	810.00
30 years	5.30	720.00
35 years	5.90	630.00
40 years	6.50	540.00
45 years	7.20	450.00
50 years	7.90	360.00
55 years	8.70	270.00
60 years	9.50	190.00

The older a man is when he enters the service the more he has to contribute and the less is his annuity, owing largely to the factor of interest. The bill provides that all the moneys contributed by employees shall be kept in a separate fund and invested in savings banks or in certain specified bonds, and the Government guarantees 3½ per cent interest; and if the investments earn more than that the balance goes to increase their annuities. I personally favored a guaranty of 4 per cent. I think the money can probably be made to earn that, and I think the Government can afford to be generous there, and if the rate of earnings were 4 per cent, the monthly deductions from salary would be lower than in the above table. It is interesting to note how large a part interest plays in determining the amount. A man entering the service at 20 on a salary of $1,200, in order to get an annuity equal to 1½ per cent of his annual salary when he becomes 70 must accumulate the sum of $6,835.50, because that is the amount which the insurance tables show is the value of an annuity of $900 a year for the rest of his life for a man 70 years old. To provide that sum, he must contribute $4.30 monthly during his service. But of that $6,835.50, which his contributions with interest at 3½ per cent amount to, he has really contributed only $2,560.20, or about one-third, and the balance, $4,275.30, is interest. We provide that while the retiring age is 70, yet if the head of the department certifies in any individual case that the continuance of the employee would be advantageous to the service, he may be retained for a time not exceeding two years, and so on, but that after 1920 no one shall be retained after he is 70. If anyone wishes to leave the service before he is 70, he can withdraw whatever money he has accumulated, with interest, except if he has been there less than six years he only receives the principal and not interest. So his savings are always his own and he can have them at any time he wishes to leave the service, and when he becomes 70 he can withdraw his earnings and interest in one sum if he prefers to do that rather than take the annuity they will supply. Sections 8 and 9 provide for other deductions to make a disability insurance, but I will not discuss these, for while personally I think the plan a good one, yet I recognize that many will criticize it, and it has nothing in common with the other parts of the bill, and is based on an entirely different principle. Therefore, as it complicates the problem, I shall move to strike it from the bill and leave it to be considered by itself, if it is thought desirable.

The Government is to pay the expense of operating the system, but that would not be large; it has been calculated that 20 clerks could keep the accounts for the whole 170,000 employees. The bill provides that it shall only apply at first to the District of Columbia. This was a compromise with a view of inaugurating it on a small scale, but it is expected that it should be extended to the whole classified service, and the tables and figures of expense are calculated for the whole service.

Mr. GOULDEN. Will the gentleman from Massachusetts tell us—I know he is thoroughly informed on this subject—how many persons there are in the classified service of the Government?

Mr. GILLETT. There are about 170,000.

Mr. GOULDEN. Does that include the entire classified service?

Mr. GILLETT. That includes the entire classified service.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. MARTIN of South Dakota. Would the legislation that the gentleman is proposing provide immediately, if passed, for all in the civil service now beyond the age of 70 years?

Mr. GILLETT. The bill which the committee reported does not embrace the whole service, though the figures of expense do. We thought we had better start tentatively, and so this bill simply embraces the city of Washington. We thought it would be more likely to pass if it covered simply the District of Columbia, though I should hope it would be extended to the whole service.

Mr. MARTIN of South Dakota. But it would cover all over the age of 70 immediately, if passed, in the city of Washington?

Mr. GILLETT. Yes; but the figures of cost that I have given cover the whole service throughout the country.

Mr. GOULDEN. One more question, if the gentleman will permit.

Mr. GILLETT. I will yield to the gentleman from New York.

Mr. GOULDEN. What is the number in the classified service in the District of Columbia who would be affected by the proposed bill?

Mr. GILLETT. There are about 25,000. By the way, all the figures I give are about three years old. The committee, or, rather, the Census Bureau, has gone very elaborately through a computation of the cost both of this bill and of a straight pension bill. There is no guesswork about it. A card was sent to each person in the classified service so that we have a report from each member of the service through the whole country stating his age, the time he has been in the service, his salary, and so forth. Then, each man's probability of living was figured out by insurance tables and the cost to the Government of each individual, so that these figures are not guess figures, but apply accurately to the men now in the service, and consequently give the exact facts.

The gentleman from New York gave us an interesting speech a few days ago advocating a flat pension and that the Government ought to give to each employee after from 25 to 40 years of service a certain annuity. It seems to me that our bill is very much preferable to that for numerous reasons.

In the first place, this bill which we report, if it should once be adopted, after a certain length of time would be absolutely self-supporting. That is one great advantage. This bill also provides that if the person at any time should leave the Government service he could withdraw the full amount of his accumulation. That is an advantage for this reason: One of the great drawbacks of the Government employment as compared with private employment is the difficulty of getting rid of inefficient employees. Private employers, under the stress of competition and economy, inevitably discharge poor employees or cut their wages to the value of the service. That does not happen in the Government service. There is no competition, there is no one to criticize or to know that the reasonable amount of work is not being turned out, for there is no standard of a competitor with which to compare it. So if the inefficient employee appeals to the sympathy of his superior

officer or to his Congressman, he is very apt to be kept despite the fact that for the good of the service he ought to leave.

But if he has a sum to his credit which he can withdraw on retirement, that appeal to sympathy will lose much of its force.

So, the establishment of this system would tend to eradicate one of the great weaknesses of the Government. When we hear the argument that if it is for the advantage of the private corporations to pay pensions, it must be for the advantage of the Government, we do not bear in mind this difference between the two, the private corporation has no difficulty in dismissing incompetent employees; what it aims to do is to bind to it the best employees. The Government, on the contrary, has no difficulty in keeping its employees, but it will be benefited by anything which makes it easier to dismiss the incompetent. The private corporation uses the pension system as a strike insurance, and wants the system which will make its employees most dependent on it and most reluctant to leave and interested in not being dismissed, and that is accomplished by a straight-pension plan. The Government has no fear of strikes; it wants its employees to be self-supporting, and so should favor a compulsory savings plan.

A straight-pension system, on the contrary, greatly increases the difficulty of dismissing an inefficient employee, because he will feel, and his superior officers will feel, that he has by his service practically earned his pension, and in discharging him they not only deprive him of his place, but would also take from him his expectation of a pension. So, while our bill makes it easier to separate an undesirable employee from the service a straight-pension system would make it much harder.

Then, a straight-pension plan would be very expensive. The gentleman from New York [Mr. GOULDEN] has introduced several such bills and made a speech in favor of that system last week. The most moderate and economical of his bills provides that anyone who has served the United States from 20 to 25 years and is 65 years old shall receive an annuity of 40 per cent of his annual pay, and those who have served longer shall receive larger per cents. He does not present any figures to show how much his bill would cost, and in that I think he was shrewd, for I am sure the facts would prevent Congress or the country from approving his bill. The Census Bureau, while calculating the expense of the committee bill, also calculated the expense of a straight-pension bill which would give to employees an annuity equal to 1½ per cent of their annual pay for each year of service or, expressed differently, 1½ per cent of the total amount they have received from the Government. That would be much less expensive for the Government than any of the Goulden bills. And yet that would cost the Government enormously.

The first year it would cost about the same as the committee bill, but every year after that would cost increasingly more, until in 25 years, when the committee bill reached its maximum expense of $2,526,216, the straight pension would cost $8,562,182. Then, while our bill steadily decreased in cost, that bill would continue increasing, and at the end of 35 years would be costing $15,000,000 a year; from then on it would increase annually with the increase of the service. In these 35 years it would cost the Government $159,636,925 more than our bill, and when ours had ceased to cost anything this would be still increasing. And the Goulden bill would be vastly more expensive than that; how much can only be estimated by long calculation.

Mr. GOULDEN. Does not the gentleman consider that a straight or flat pension, as he calls it, is much simpler in its administration and much less expensive?

Mr. GILLETT. I do not think it is much less expensive in administration. It is simpler. We calculate that all that it would cost for the present force of the Government to administer this bill would be about 20 clerks, and that is not a very large expense.

Mr. GOULDEN. I fear the gentleman will find his estimate too small.

Mr. GILLETT. That is based not on guesswork but on calculation figures.

Mr. GOULDEN. And mine is based on 42 years of experience in actuarial work in connection with life insurance.

Mr. GILLETT. What is the gentleman's estimate?

Mr. GOULDEN. My estimate is that it will cost you twice that to start with, and, as the number increases, it will go up.

Mr. GILLETT. Oh, certainly; as the classified service increases it would go up, but that is not going to increase, as the gentleman's does, by leaps and bounds, but gradually.

Mr. GOULDEN. There is this to be said in favor of the straight pension, that you levy no assessment whatever on a class of people who can ill afford to stand this assessment; and right there will the gentleman tell us if he knows, and I assume he does, what percentage of people now in the classified service are carrying regular life insurance or fraternal insurance?

Mr. GILLETT. Of course I do not know.

Mr. GOULDEN. Has the gentleman any idea?

Mr. GILLETT. No.

Mr. GOULDEN. I should think it would be safe to say 15 to 20 per cent as a low figure.

Mr. GILLETT. How does the gentleman get at that?

Mr. GOULDEN. Purely from intercourse with these people, talking with them.

Mr. GILLETT. There are 170,000 of them, and of course neither the gentleman nor I can get at much of a guess through our personal acquaintances with them.

Mr. GOULDEN. Only last week there was a convention of the national association here in Washington. In talking with gentlemen from all over the country I judged from what they told me that it would be safe to say 25 per cent carry insurance, and therefore this would be an extra burden to bear if the gentleman's bill became a law.

Mr. GILLETT. Well, it is a little singular that of these superannuated men in the service whom we now have to provide for it has not come to our attention that a single one of them has such insurance.

Mr. DAWSON. If he did he would at least get the double benefit.

Mr. GOULDEN. Perhaps they were too modest to come before the committee. I have not forgotten that order which was executed in 1902 to stop civil-service employees mixing up in affairs of legislation and——

Mr. NORRIS. That would not stop their telling about life insurance.

Mr. GOULDEN. But it would stop their making known their wants and desires.

Mr. DAWSON. If the gentleman will permit, I want to call attention right in this particular, and ask the gentleman if it is not true that England has only recently abandoned the straight-pension system, in operation for 50 years, and gone to a plan very similar to the one in the gentleman's bill?

Mr. GILLETT. They have modified their old straight pensions in a way that recognizes the principle of this bill. The English system which they had so many years cost 16 to 20 per cent.

Mr. PARSONS. Sixteen to twenty per cent of what?

Mr. GILLETT. Of the whole cost of the civil establishment. The pensioned employees cost 16 to 20 per cent annually of the whole civil service.

Mr. DAWSON. Before the gentleman leaves that point raised by the gentleman from New York as to the percentage of cost of this so-called retired list of civil employees in England, it might be of interest to call attention to the fact that our military retired list here may be fairly comparable with what this list would grow to in the end, and in that connection let me call your attention to the fact that the retired list of the Navy embraces 835 retired officers, whereas there are only 2,400 on the active list. In other words, the retired list of officers in the Navy is one-third as large as those on the active list.

Mr. PARSONS. But there could not be anything like as large a proportion in the civil service. They would not retire nearly as early as they are forced to do in the Army and Navy. The age of retirement is 62 years in the Navy.

Mr. GILLETT. Many associations of employees have indorsed the Goulden bill. It is not surprising. They naturally prefer the bill which promises them most. I think they are shortsighted. I think they ought to recognize that no such proposition as that, no such large civil pension list, would be permitted by Congress or the people. Some Congressmen, not having given much study to the subject or having large organizations of employees in their districts, may temporarily favor it. But I do not think any such proposition has any chance of becoming law. And I think the agitation for it by employees and the attempts to influence Congressmen may bring reaction. One of the dangers in the great increase of the Government activities and employees is the existence in our citizenship of a large body of men who have a different interest from the rest of the people in political action. Their income is directly determined by act of Congress. They have consequently a political motive different from the rest of us, and if they allow their political action and their support or opposition to candidates to be determined by his attitude toward their salaries and organize to elect or defeat him accordingly, it introduces into politics a new and selfish element that will have to be considered and which the rest of the people will have no sympathy with. That danger has been recognized in the past, and some communities have for that reason taken away the votes of Government employees.

That would never be undertaken here. But I think it is largely owing to that tendency that there has developed in Congress a growing disposition to modify the civil service and to introduce terms of six or seven years, so that employees shall not, as now, be secure of their positions for life and devote their political energies and organizations to increasing their salaries or lightening their work. A class of citizens who organize with no party ties, except to the candidates who will favor increasing their salaries, will not long retain the approval of the people. There is a broad and legitimate field for such organizations without concentrating upon salaries and pensions.

There have been presented to Congress petitions from between 40,000 and 50,000 employees in favor of our bill and from between 50,000 and 60,000 against it. These latter, I understand, oppose it because it is not favorable enough to the employees and because they want a straight-pension bill. Inasmuch as nearly all the opposition to it in Congress, as far as I have been able to ascertain, is because it is too much like a straight pension, I think the employees are shortsighted who oppose it, for I am very sure it is the most favorable to them of any legislation which has any prospect of success. It is opposed in Congress because it pensions the employees too much and opposed by the employees because it does not pension them enough, and this opposition of employees to our bill gives to Congressmen who are opposed to it because it is too much of a pension bill the opportunity to defend their opposition by the fact that those whom it is intended to benefit do not themselves want it.

There is another and very important difference between the operation of a compulsory savings bill and a straight-pension system—greatly to the advantage of the former—in that every man gets exactly what he himself saves, with interest; he contributes to no one else's increase; and when the system is established there is no temptation or excuse for exceptions or special legislation. The straight-pension system, on the contrary, constantly tempts to exceptions, to favoritism, and to special legislation, and the experience of this House with other pension legislation indicates what this would lead to. The experience of other countries proves the same. In the English appropriations you see constantly large amounts for "gratuities," "compassionate allowances," "compensation allowances," and there would inevitably here be constant temptation to enlarge and extend to cases just outside the law, and so forth. That is the most dangerous kind of legislation, the kind our Congress has shown itself least able to cope with fairly, and in itself is a very strong argument against a straight-pension system.

We hear a great deal about the old-age pension laws of Germany and of England, but those, after all, are not any example to us, because they are so ridiculously small in their amount that no American would ever think of them as being a sustaining pension. In England, under their poor laws, the most they ever allow is $1.25 a week to a man when he reaches the age of 70. That, you see, is about $60 a year. What would an American employee think of $60 a year for an old-age pension?

In Germany they have a very elaborate system, where the Government contributes, the employer contributes, and the employee contributes, but their amounts are insignificant compared with ours. It only applies to salaries under $500. Nobody getting more than $500 gets anything in Germany, and that would cut off pretty nearly our whole population; but to those who do receive a pension in Germany the Government contributes only 50 marks a year—a dollar a month. The employee contributes from 3½ to 9 cents a week, and the annual pension there is only from $27.50 to $57.50 a year. So that these foreign analogies which we hear so much about for a flat-pension system are on such a very small scale that they offer no precedent at all for our Government service. And, moreover, the scale of pensions of our American private corporations is so small that it would not be considered a working plan with us. I saw by a report that they averaged last year a little less than $200 a year for all the employees who are pensioned.

Mr. MOORE of Pennsylvania. While the gentleman is on this line of thought I desire to ask him to give expression, if he will, to his views in regard to the effect of legislation at this time in the interest of the 170,000 Government employees, upon millworkers, farm hands, and other breadwinners, who have no Government position, and who become old and worn out in their various employments throughout the country.

Mr. GILLETT. Well, if I catch the gentleman's question, the trouble is that all these persons care very little how we vote on matters affecting Government employees only, and a man may vote against a measure to increase the salary of Government employees and thus save the money of the taxpayers in general, and yet the expense would be so insignificant when distributed that these taxpayers will not care one way or the other how he voted on that question, while the organization affected will care so deeply that a Member of Congress will feel it. The danger is that this large class which composes the greater part of our population, to whom the gentleman refers, do not care one way or the other how we vote on salaries or pensions for employees.

Mr. MOORE of Pennsylvania. The gentleman spoke of the effect of organization. He referred particularly to the organizations of Government employees. I call his attention to other organizations, such as the American Federation of Labor, the Farmers' Union, and the great conventions of workers apart from the Government service who have been discussing old-age pensions.

Mr. GILLETT. I see that I did not before catch the drift of the gentleman's question. I should suppose that they naturally would be encouraged to think that if the Government contributed to the pension of its own employees they would have some right to be considered and that the Government ought to pension them.

Mr. MOORE of Pennsylvania. If the gentleman will permit, a moment ago the gentleman from Massachusetts referred to the condition prevailing in England and in Germany, and observed that the allowance there was not commensurate with what ought to be allowed here for the maintenance of those who grow old, as, for instance, $1.25 a week is insufficient to maintain an American man, while it might be sufficient to maintain one in England or in Germany. Has the gentleman taken into account the difference in living conditions there and abroad?

Mr. GILLETT. Yes; that is what I had taken into consideration; and that is the reason I say that it was utterly insignificant to us, although it appears satisfactory to them.

Mr. MOORE of Pennsylvania. The gentleman, of course, is trying to bring to the House a bill that will be satisfactory and that will relieve the Federal Treasury of the great expense of maintaining clerks who have become old or incapacitated. During the discussion of this question it has occurred to me that some day or other the gentleman's committee, or the House, may be obliged to take up the broader question of providing for those who grow old in private service, and who, by reason of the fact that they had no Government place, and no private recourse, might, when needing relief, become charges upon the Government itself.

Mr. GILLETT. I think if the gentleman had heard the explanation of this bill he would have recognized that it avoids that particular tendency, and that that is one of its merits, because this bill does not provide a pension from the Government at all except temporarily, but after those who are now superannuated or becoming so are disposed of, then the system will be absolutely self-sustaining. In other words, it is a compulsory savings bill, and it simply endeavors, because no compulsory savings system could take effect immediately, to make some provision for those who are so old that they can not provide for themselves.

Mr. MOORE of Pennsylvania. Does not the bill go a step further and provide that where a clerk becomes entitled to the benefits resulting from the fund created by his own contributions there shall then be an annuity of a certain amount on the part of the Government?

Mr. GILLETT. Oh, no. It does for those who are now in the service, but not after the system is established. The bill could take effect to-day for those who are going to enter the service, for the young men, and it would not cost the Government anything; but, in order to have it take effect immediately for all, and to get rid of the present superannuation in the service, it does provide that for the men now old or becoming old the Government shall contribute up to $600 in addition to what they contribute themselves.

Mr. MOORE of Pennsylvania. Then the bill does contemplate an actual contribution by the Government?

Mr. GILLETT. It does, but only temporarily.

Mr. PEARRE. Will the gentleman state to the House the amount of appropriation which will be required from the Treasury of the United States to meet the immediate retirements?

Mr. GILLETT. I stated all that earlier when the gentleman must have been engaged.

Mr. PEARRE. I did not catch it.

Mr. GILLETT. I have stated it all, and it will be in the RECORD. Now, I recognize, Mr. Chairman, that from the present salaries of the employees it will be difficult for some of them to make this contribution. I recognize that out of a salary of $600, for instance, it is pretty hard for the clerks to make any contribution. I think myself that one of the vital needs of the service to-day, as vital as this, is a reclassification of the entire clerical service, with a readjustment of salaries, and our committee

reported contemporaneously with this bill a bill providing for such a reclassification, so that compensation shall have some relation to the work that is done. That, it seems to me, is one of the most important reforms that our civil service needs. Clerks to-day are working side by side and doing the same kind and amount of work, and one is receiving $1,000 and the other $1,800. Clerks at $1,200 are sometimes doing much more difficult work than others at $1,800. That our reclassification bill undertakes to remedy. Another reform that we need is to regulate the promotions in the service. We passed our civil-service law in 1883, and by good luck we got a fairly good method of entering the service; not ideal, but the best that has yet been brought forward; but we have in some departments no method of regulating the promotions after they get into the service, and those promotions are too often made by favoritism. I think that ought to be corrected; but most, I think, this reclassification ought to be adopted. I believe that in the Government service we pay our employees too little at the bottom and too little at the top, and that probably along in between some are overpaid. I think those who go in at $600 are not getting enough to procure the kind of clerk you want in the Government employ, for it is more exacting in some ways than private employment; the work must be done better, more accurately, and carefully.

I think, on the other hand, that the heads of bureaus and the heads of divisions are not getting enough for the executive capacity we need. There is where economy is accomplished, and yet we pay such small amounts to the heads of bureaus and divisions that we do not get the men with that energy and efficiency, with that desire to produce reforms, that we have in any large business. In the conduct of a large business it is capacity, brains, and energy of men at the top that makes the business succeed or fail.

Mr. NORRIS. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. NORRIS. I want to suggest to the gentleman that in paying higher salaries to the heads of bureaus, and in connection with the remark that it is there where we want energy and capacity to reduce expenses, that the conditions which the gentleman himself illustrated here—by speaking of a clerk who was 80 years old and who was not reported as incapacitated by the head of the bureau—would not be relieved if he increased the salary of the bureau head whose duty it was, technically, to discharge the clerk, but did not do it, and reported, in fact, so that he could be retained in the service.

Mr. GILLETT. No; I do not suppose it would effect that.

Mr. NORRIS. Is not that one of the great reasons why the service is expensive, regardless of what we may think of the duty to discharge?

Mr. GILLETT. The gentleman means that they have incompetent subordinates?

Mr. NORRIS. Yes.

Mr. GILLETT. Yes; that contributes, but I think that the great reason is, there is no motive for the head of the bureau or of the division to accomplish a great work with his force, to keep them up to the mark, and there is no standard as there is in private business by which you can tell whether or not they are doing as much as they ought to.

Mr. NORRIS. I am satisfied that that is true, and is not this true also: That these men and women who, by reason of age, have become incompetent are the ones who are getting the highest salaries in the service?

Mr. GILLETT. A great many are. Our figures show that the men over 70 years of age get a little more than the average of the class in which they are.

Now, to summarize the arguments for this bill:

First. It establishes a system by which at the end of 50 years every employee will be contributing enough to give himself a reasonable pension from the age of 70 until his death without any contribution from the Government.

Second. During that 50 years while the system is establishing itself the Government will have to supplement the individual contributions, but that will probably not cost the Government as much as the present practice of keeping men after their efficiency is impaired by age, and will not cost more than one-half of 1 per cent of the annual salary roll of the civil establishment.

Third. It has these advantages over the alternative of a straight pension:

(*a*) It costs the Government $159,000,000 less in the first 35 years, and after 50 years costs the Government practically nothing, while the other system keeps increasing the annual cost forever.

(*b*) By making each individual self-supporting it takes away all excuse for special pension legislation, while experience shows that the other system is a constant temptation and encouragement to such legislation and extension.

(*c*) It makes it easier to discharge inefficient employees, which is now difficult, while the straight-pension system greatly increases that difficulty.

It would be unfair not to allude to the great assistance the committee has had from Mr. Herbert D. Brown, who first brought the principle on which this bill is based to our attention, who formulated the first bill, who has superintended the many laborious calculations incident to it, and to whose ingenuity and industry its merits are mainly due. [Applause.]

Mr. BOWERS. Mr. Chairman, I now yield 30 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, I should like to submit some views in regard to the District of Columbia appropriation bill now before the committee. This bill is one of those prepared annually by a subcommittee of the Appropriations Committee, a body of gentlemen in whom the House has individual and collective confidence. That subcommittee is presided over by the distinguished gentleman, a Member of the other side of the House, who is closing for this time his service here—a man whose keen intellect and whose rigid integrity have been most valuable assets, no doubt, to the people of this District as well as to the people of the Nation. So that what I may say as to my own individual views regarding possible changes in the method of governing the District can have no relation to the personnel of the present subcommittee of the Appropriations Committee. But I am firmly convinced, Mr. Chairman, after a brief service on the District Committee of this House, that a change would be desirable.

We have seen the District Committee struggling here during the last session of Congress and during the present session to get before the House matters of necessary legislation, and in each case, or in almost each case, they were defeated. At the present session of the House there has been, I think, but two District days, and the time was greatly taken up on those days by other matters.

Here is a great community, practically a little State, having a wealth and population equal to some States, wholly under the constitutional jurisdiction of Congress, and it is our duty to provide some adequate method of government satisfactory not only to the people of the District, but satisfactory to ourselves and to the people of the country.

This particular appropriation bill now brought in contains a large number of items of legislation. Some five or six pages of the report are made up of statements of new legislation embodied in the appropriation bill. I am not prepared to say, and do not say, that this legislation is not wise or is not imperatively necessary. Some of it that I have had an opportunity to study I believe to be necessary; but there should be some other way of presenting general legislation to the lawmaking body than in the items of an appropriation bill.

If this legislation is necessary, it should have been brought in here by the District Committee. The power of governing the District is divided now among three committees of the House, absolutely without any correlation. The great power of the purse is lodged in the subcommittee of the Appropriation Committee, the only power worth speaking of in legislation, the power of conducting the expenditure.

That great subcommittee, having that power of the purse, necessarily has forced upon its attention matters of general legislation for the good of the District, for where else will men look for the power over their lives and property but in the body that has the control of the public purse?

Then there is a second body supposed to govern the District, namely, the Committee on the District of Columbia, which has the high prerogative of passing upon street-opening cases. Day after day and week after week it spends its time deciding as to what streets shall be opened and what shall be closed and how wide a particular street shall be. That committee has performed patiently as it could, ably as it could, the thankless task of going through one street-opening case after another, only in the end to find that their labors were useless unless another committee somewhere chose to provide the necessary funds. Then a part of the power is lodged in the Judiciary Committee in its control over the court.

This bill carries with it an appropriation of eleven million two hundred and fifty-six thousand and odd dollars. A small fraction of the appropriations carried are said to be fixed charges against the District itself, and the rest of the appropriations are, under a plan of government which relates back a number of years, divided equally between the Federal Treasury and the District treasury. The amount, as stated by this report, which is required to be paid out of the Treasury of the General Government is $5,638,418.25. I am not prepared to say

that the expense of governing the District is excessive, although I have an idea that possibly that might be true, but $11,000,000 for governing a city of this kind is a great deal of money. That five million six hundred thousand and odd dollars should be paid out of the General Treasury of the United States is a very serious matter, and if we consider the fact that the annual appropriations are increasing and that they increase relatively exactly in accordance with the taxing power of the District, the time is not far distant when we will be spending ten, twelve, or fifteen, or possibly twenty millions of dollars a year out of the Federal Treasury toward the maintenance of the District.

The plan practically in operation is that every dollar of the taxing power of the District is used—its personal tax, its real-estate tax, its excise tax, all—and that lump sum is doubled on the assumption that the Federal Government must pay half of the appropriations for the District, and then the estimates for the year are brought within that doubled sum. While it is possible, as was pointed out a few weeks ago on the floor of this House, for Congress to say that only a less amount shall be paid by the Federal Government, it does not as a matter of fact do so. So that practically the condition we face is this, that every time a dollar's worth of property increases in taxable value in the District, every time we pass a law requiring the raising of the license fee or increasing any form of tax, we are placing an equal burden dollar for dollar upon the Federal Treasury.

The other day we considered from the District Committee a bill to raise an inheritance tax. Nobody knew how much taxes would be raised by it. Everybody conceded it was a just form of taxation, and that large estates in the District here should be made to contribute toward the expense of the District, but nobody seemed to have considered that the taxes raised on those estates would be doubled by an equal amount raised from the Federal Treasury; that no correlation existed between the District Committee that reported that bill and the Appropriations Committee that apportions and expends the money raised from the District.

This District is said to owe the United States $10,000,000 in bonded debts and something between three and four millions of dollars in floating debts. The Commissioner of the District reported that inasmuch as that floating debt is being liquidated out of the common contributions, or what he calls the partnership contributions, it really amounts to a floating debt of nearly $8,000,000, because he figures that every time you cut off a part of that floating debt you cut down the power to tax the Federal Treasury an equal amount. If the District pays off $100,000 of its floating indebtedness, it loses $100,000 that it might drag out of the Federal Treasury under the joint system of appropriations. Therefore, he says, they are losing $8,000,000 by paying $4,000,000. A most extraordinary system of public accounting seems to have been the outcome of that. But assuming that the debt is $14,000,000, there is now pending before the District Committee a bill, known as the Judson bill, to wipe out that $14,000,000, and provide a fund for general improvements of the District. This bill, among its other good features, not only provides for a system of public improvements—which probably is badly needed by the District, and I believe is—but makes a sane provision for the first time for the extinguishment of this debt, which has been in existence nearly 30 years.

But it is intended to extinguish it, how? By taking out of the joint contribution of the Federal Treasury and the District revenue enough each year to provide a sinking fund and to wipe it out. In other words, we are going to pay back Uncle Sam with Uncle Sam's own dollars or else we are not going to pay him back at all. Now, that kind of a way of paying back a debt is a better kind of a proposition than none. It is certainly an improvement over the present plan of not paying the debt, but it is not just, I think, to put a tax upon the District when it is led to expect that its debts will be paid to the United States by the United States. Pretty nearly every improvement in the District is paid for out of the general fund of the District. I believe that there are only a very few—sidewalks and paving of alleys and curbs and lateral sewers; that means alley sewers—that are paid for by the abutting property benefited. That is one of the great sources of complaint in the District—that general improvements, street openings, and improvements of all kinds are paid for out of the general fund. Under that system it is perfectly possible to devote the revenue of the District toward one part of the District so as to provide for a pavement in the interest of a certain set of people regardless of the interest of other sets of people.

What the District Committee has often considered, without the power to bring it into realization, is the power of placing upon the property owner benefited the expense of the improvement. It is his property which is benefited, and not a dollar of the expense should be taken out of the Federal Treasury. If a special improvement goes into a new addition in the District and the real estate in that new addition be increased in value—which is a thing that goes on in the improvement of almost every growing city—that new addition should pay the entire cost of that special improvement, and not a dollar of it should be paid out of the District funds. Certainly not a dollar should be paid out of the funds of the people of the United States. Nothing can be more dangerous from a taxation standpoint or a real-estate speculation standpoint nor from any other standpoint than the idea that some set of men can draw upon the public fund to benefit a particular section where they are interested financially in the growth of the property.

A change could be made and should be made by which these sources of expenditure should wholly be removed from the District appropriation bill and a system of special assessments adopted, such as exists in my own city and almost every other growing city, by which the property owner in the benefited district himself pays for all the improvements. When that is done the District Committee will have taken off its shoulders 50 per cent of the now useless labor which it performs. As soon as the property owners in the District get ready to pay for an improvement they should be allowed to do the work and pay for it without anybody else's say so. If they want a street opened and are willing to pay for it, they should have it opened, and if they want a street opened and are willing to pay for it, they should have it approved by executive action without a bill before this House or the Senate. If they want that thing done, I am willing for them to pave every street in the District just as fast as they want to pave them. There is no reason on earth why the time of Congress and the time of its committees should be taken up by matters of that kind.

My distinguished friend from Minnesota brought forward in the District Committee, and I do not betray any confidence because it has been brought on the floor, a proposition by which it is proposed to levy a tax upon the intangible personal property in the District. It developed in our hearing, as a matter of surprise, that there was a tax on real estate and on the tangible personal property; that every clerk and laboring man in this District pays upon his household furniture, but not a dollar's worth on stocks and bonds are paid for by anybody anywhere in the District. A bill was brought forward to correct that. But does anybody know how much tax that will produce, and does anybody believe it would be just to do that if it also involves further expense to the Federal Treasury? Where is the necessity of doing that which puts a great burden upon the Federal Treasury——

Mr. NYE. Does anybody know when that bill will ever be reached?

Mr. BORLAND. The gentleman asks, "Does anybody know when that bill will ever be reached?" I say if the District Committee has the same consideration from now on that it has had before neither the gentleman nor I will live long enough to see it. We will never live long enough to reach the loan-shark bill that the District Committee has struggled with for weeks. There is plenty of legislation before the District Committee that there is absolutely no chance of reaching.

Now, then, if it pleases the Chairman, I served a short time on the District Committee. I do not know that I shall serve in the next Congress on that committee, and probably not. But I believe the people of the District of Columbia are entitled to a committee with ample powers, which shall be the legislature of this great Commonwealth. That District Committee should have the power to appropriate the taxes of the District of Columbia without the concurrence of any other committee. It should have the powers now vested in the Judiciary Committee, and it should be able through its hearings to so keep in touch with the citizenship of the District that the wants and needs of the District, which are struggling toward autonomy, struggling toward the measure of self-government that it is entitled to, should have a forum where its cause can be heard, and when its cause is heard by that forum, that committee should have the power to mold into laws and bring to the attention of Congress those measures necessary for the government of the District. Until that is done, we shall have appropriation bills loaded with every little incidental of general legislation. We shall have the District Committee put aside, because they do not make up their own appropriation bills, and nobody cares anything about them, and we shall have the District business in the same haphazard fashion it has been in heretofore.

I hope to see the District Committee clothed with power to expend the revenues of the District. I hope that it will have the

power to apportion those revenues for the benefit of the people of the District, and yet will not be put under the necessity, as we now seem to be under, of contributing out of the Treasury of "Uncle Sam" dollar for dollar for every dollar assessed. There may be some reason why the United States should double the amount raised by real-estate taxation of the District, about $4,200,000; but there is no reason why it should double the amount raised from police-court fines of the District, or the saloon licenses of the District, or the inheritance tax of the District, or the taxation upon stocks and bonds—absolutely none. And until that change is made and the people of this District are given power to improve their own property at their own will and a District Committee empowered to expend their funds according to the views of the people of the District, the same difficulty will be encountered.

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has eight minutes remaining.

Mr. NYE. Will the gentleman permit a question?

The CHAIRMAN. Will the gentleman from Missouri [Mr. BORLAND] yield to the gentleman from Minnesota [Mr. NYE]?

Mr. BORLAND. Yes.

Mr. NYE. I wanted to ask if the gentleman has made any comparison between this and other cities as to the cost of administration, which is something like $11,000,000 that we are expended now.

Mr. BORLAND. The cost of administering my city, which is a little smaller than the gentleman's city, but which we place almost in the same class, is about one-third the cost of administering the District of Columbia. The figures are a little bit misleading from this fact. I presume it is true in the gentleman's city, as in mine, that the school district is a separate organization, and that special assessments levied upon private property for special benefits are not included in the general revenue. When we take out those two items, it is probable the expense of administering the District is about twice the expense of administering Minneapolis or Kansas City. I think that indicates the expense of administering the District is too great. I think that is due to the fact of the division of authority into two committees, and that neither committee has the full power of administering the funds of the District.

And why should the Appropriations Committee, with all respect to it, expend the funds of the District? The Appropriations Committee expends the funds of the United States. But 50 per cent or more of the funds of the District are contributed by the District. Why would it not be better for the Nation to submit to a charge equaling, say, the taxes realized from the real estate of the District, put that to the credit of the District, and allow the whole sum, including all that the District cares to raise, to be administered by a District committee, accountable and open to the citizens of the District? Why should the Appropriations Committee undertake or desire to administer funds which belong wholly to the District?

I believe that if the bill of the gentleman from Minnesota [Mr. NYE] ever does get before this House and passes, as it undoubtedly will, a very large amount will be added to the current revenues of the District. Before that time comes, or when that time comes, an adjustment should be made between the relations of the Federal Government and the District, fair to the Government and fair to the District, which will enable the District to increase its taxation and its improvements as fast as the people of the District want to increase them, without feeling that they are bound by the opinion or wishes in matters of purely personal and local consideration to the views of the House of Representatives or to the people of the Nation.

But as long as we are held fast and bound to the dollar-for-dollar rule, there is going to be the same fight in this House with every street-opening case that has occurred since I have been a Member of the House. We are going to take up the time of the House, we are going to wear out the patience of Members, we are going to excite their suspicions here and their suspicions there as to nearly every street-opening case, for fear some fellow is working some kind of a real-estate game back of it. I believe if the District Committee of the United States Congress be clothed with full power to administer the affairs of the District, it ought to place in the hands of the property owners of the District all of the measure of control in the matter of local improvements that is contained in the charters of the great cities of this country.

I believe the committee ought to place in the power of the Commissioners of the District of Columbia all of the powers that can be safely administered by the administrative or executive officers of any of the great municipalities of this country, and it should reserve in the District Committee itself only the legislative powers that properly belong in a legislative body.

Mr. CAMPBELL. Mr. Chairman, I think I am not mistaken about it—I understood the gentleman's argument to be that there should be a change in the assessment of taxes on account of street openings. It has been my understanding for years that we have been assessing the benefit on the abutting property when streets were opened. Is not that the understanding of the gentleman from Missouri?

Mr. BORLAND. Yes. I understand that the amount is advanced by the General Government and is paid back on an assessment on the property.

Mr. CAMPBELL. Not by the General Government, but out of the joint revenues of the General Government and the District.

Mr. JOHNSON of Kentucky. But advanced by the General Government.

Mr. BORLAND. Advanced out of the joint revenues and paid by the property owner.

When the amounts are paid back they shall be carried not into the Federal Treasury but into the nearest like appropriation. And the nearest like appropriation has been growing on that account. Now, this bill changes that, I am glad to say. That is one of the pieces of legislation they have put in this bill that they ought to put in it. I have no doubt there are a good many pieces of legislation in there just as necessary as that. The auditor of the District calls especial attention to that. He says:

SPECIAL ASSESSMENT COLLECTIONS.

Attention is especially invited to the practice which obtains in the handling of collections received from special assessments for the construction of sidewalks, curbs, paving of alleys, and sewers, under the assessment and permit system, authorized by the act of August 7, 1894, and collections for opening, widening, etc., of alleys and minor streets, for which special assessments are laid for benefits resulting therefrom.

All sums now collected on these several items are required under the law to be "repaid to current appropriations for similar purposes."

Mr. JOHNSON of Kentucky. A portion of it.

Mr. BORLAND. That is what has been becoming of it. They go back, or a portion of it, as the gentleman from Kentucky remarked. But a part of that which was originally contributed by the Federal Government has never gone back into the hands of the Government.

Mr. JOHNSON of Kentucky. And the Government is out the interest.

Mr. BORLAND. And the Government is out the interest. So I believe, gentlemen, that a good deal of the contention of the people of the District of Columbia would be satisfied by the creation of a District committee clothed, as I have designated, with the power to appropriate and clothed with the powers over the courts and the general powers over the civil government of a State, which the District properly is. Then let the people of the District go to the District Committee as their forum, their legislative body, and that all measures of self-government and self-control that can be left to the people of the District should be left to them. [Applause.]

Mr. CAMPBELL. I quite agree with the gentleman that no bill for a street opening should come upon the floor of this House. It should all be done by some authority here in the District.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. GARDNER of Michigan. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Mr. Chairman, as a result of certain inquiries with regard to the food supply of the people of the District of Columbia, I have prepared some remarks upon trusts, combinations, and cold storage, which I should like to have extended in the RECORD. I ask unanimous consent for that purpose.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman from Michigan has 56 minutes remaining.

Mr. GARDNER of Michigan. Mr. Chairman, I yield of that 56 minutes 45 minutes to the gentleman from Kansas [Mr. MILLER], and I am under the impression that 15 minutes will be allowed him by the minority representative [Mr. BOWERS].

Mr. BOWERS. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas in order to make his time one hour.

The CHAIRMAN. The gentleman from Kansas is recognized for 45 minutes in the time of the gentleman from Michigan and 15 minutes in the time of the gentleman from Mississippi.

Mr. MILLER of Kansas. Mr. Chairman, I am about to submit some observations to the House upon the subject of the

fortification of the Panama Canal; and while ordinarily I would be very glad to submit to any interruptions that any gentleman might desire to make, I have on this occasion committed to writing what I have to say, and therefore I would like not to be interrupted until I conclude my speech. At the close of my remarks I will be very glad to answer any questions which may be put to me concerning the subject matter of my address.

Mr. Chairman, the United States has recently undertaken the most important project of modern times—the construction of an Isthmian Canal, whereby the ocean commerce of the world may pass directly through the Isthmus of Panama and avoid the extended and dangerous trip around the southern extremity of the Western Hemisphere. This great enterprise has been undertaken by our Government without the aid or assistance of any other nation. The work is ours, the expense is ours, the maintenance of the canal when constructed will be ours, and the responsibility of interoceanic communication will remain ours until the end of time.

The Panama Zone, through which the canal is being constructed, is a part of the territory of the United States. Our sovereignty over it is supreme and is as exclusive as would be our sovereignty over a canal through the State of New York connecting the Great Lakes with the Hudson River or a canal connecting the waters of Lake Michigan with those of the Mississippi River. This Panama Canal is being constructed for two great purposes, the first and most important of which to us is to secure a direct and speedy water highway between our Atlantic and Pacific coasts. We have an extensive coast line on both of the great oceans of the world. To safeguard these coast lines we must maintain a great navy, and without an interoceanic canal we would not be safe from attack on either side of the continent without adequate navies occupying both oceans. Our experience in our war with Spain, when the battleship *Oregon* was sent around Cape Horn to strengthen our Atlantic Fleet, has taught us the practical impossibility of using our warships in either ocean in time of war for services in the opposite ocean, and our fleet on the one coast is of no practical use in the defense of the other coast. In this respect our position is unique and without the canal would compel us to maintain a great navy both on the east and on the west. With the canal properly safeguarded and under our own control our warships, wherever located, could be speedily concentrated to meet an attack by a foreign fleet on either side of the continent. To enable us to do this, to reduce our naval expenditures, and to safeguard our possessions is the great controlling purpose of our construction of an interoceanic canal.

Second. We are engaging in the establishment of a water highway to facilitate, cheapen, and encourage the commerce of the world. We are doing this at our own expense and upon our own responsibility, asking no aid or assistance from any other power. As a matter of fact, under present conditions this great work is almost exclusively for the benefit of foreign commerce and foreign commercial interests. Our own merchant ships passing through the constructed canal will carry but a small percentage of the ocean freight carried by foreign vessels between the two great oceans. We are proposing to give the other nations the use of this canal upon the same terms that we give to our own ocean carriers. We are proposing to bear the entire cost of construction and maintenance of the canal. It therefore seems that, from the commercial and transportation standpoints, we are engaged in a great philanthropic enterprise and are using our resources for the world's advantage. All other nations should be grateful to us for this incalculable benefit bestowed upon them without condition and without price.

We are pledged by convention with Great Britain and by implied promise to all nations not only to construct but to maintain and keep open to the world the navigation through the canal. Whatever is necessary to accomplish and secure this we must do. We are obligated to furnish the necessary means to complete the work, to supply the annual expenditure necessary to maintain and operate the canal, and are we not also bound to take whatever steps are required to prevent the possible contingency of the destruction of the canal or its temporary obstruction from any possible cause, whether that cause be some convulsion of nature or some seizure by the forces of a power hostile to us or engaged in warfare with another power? If there is possible danger to the canal from lawless persons on the Isthmus or from any revolution or insurrection in any of the countries near the canal, is it not our duty to provide, and provide in advance, for such effective policing of the line of the canal or for the maintenance of such an armed force at suitable points as will minimize the danger of any local attempt to destroy it or even temporarily prevent its free navigation? In like manner are we not also obligated to anticipate that the era of peace on earth has not yet come? That wars may arise and that in those wars it may become of paramount interest to one of the belligerents to seize and hold the canal or to injure and blockade it? Wars come without much preliminary notice. They ofttimes come like lightning from a clear sky, and in the most profound calm of the world's affairs any morning sun may reveal the marshaling of armed hosts, the dispatch of powerful warships, or the seizure of some great seaport city or stronghold. Can it be doubted that a nation fronting on the Pacific Sea and having in that sea a fleet temporarily superior to any or all others would, in case of war with a nation having a superior fleet in the Atlantic Ocean, direct its first attack upon the Panama Canal, either to seize it, to destroy it, to disable it, or to blockade it? It will be said, of course, that no other nation engaged in war would care to provoke by any such act the hostility of the United States. That is simply argumentative, and may be true to-day, but who knows or can prophesy that such a situation will continue indefinitely?

We must not forget that none of the great powers so far, except Great Britain, have entered into any convention with us guaranteeing the freedom of the canal to the commerce of the world or to the warships of the world. None of them so far are bound to assist us in preserving the neutrality of the canal. At the most, as the situation now stands, we have but the guaranty of the United States and the consent of Great Briain as against the whole world. Not only is this true, but, as I have already said, the United States is under implied obligation to keep this canal open in time of peace and in time of war continuously and perpetually to all the shipping of the seas. This implied obligation of ours would hold good if war should arise between our Government and that of Great Britain. Should such a war ever come, which God forbid, our treaty with Great Britain would be swept away and single handed and alone, in addition to carrying on such a war, we would be compelled to use whatever of our Army and Navy strength might be necessary to keep the canal open for the use of other nations.

The question then arises, How shall we safeguard this great national work; how shall we safeguard it for our own protection; how shall we safeguard it to guarantee our implied obligation that it shall remain open to the commerce of all countries? I propose to discuss this question from two standpoints.

First. What ought we to do, what could we properly do, what would we be virtually obligated to do to protect this canal in case there were no outstanding treaties between our Government and any other on this question? I have already said that the so-called Panama Canal Zone through which the canal is constructed is a part of the territory of the United States; that our occupation of it is exclusive; that our jurisdiction over it is supreme; that the canal in one sense of the word is an improved waterway wholly within the territorial limits of our country. This proposition may be controverted, but I do not think it can be successfully. By the convention concluded November 18, 1903, between the United States and the Republic of Panama it is provided in Article II that Panama—

grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal.

The article further grants—

in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, operation, sanitation, and protection of the said enterprise.

Article III further provides that—

the Republic of Panama grants to the United States all the rights, power, and authority which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

The language above quoted was most carefully considered by both of the contracting parties. In using this particular language it was evidently in contemplation that the United States might fail in the construction of a practicable canal or that it might at some future time abandon it, or that in some great conflict of the future it might be wrested from us by conquest, and in any such case Panama evidently reserves the right to reoccupy, retake, and reassert sovereignty over the Canal Zone, but in the meantime and until some such contingency might arise we are given the right of exclusive occupation, use, control, and sovereignty, and to all intents and purposes, I again repeat, this Canal Zone is a part of the territory of the United States. What we do within this territory is to be decided by the American people.

The only limitation upon our power to act, to protect, to fortify, is the limitation of the American conscience, unless we are limited in this respect by our existing convention with Great Britain. Not only is this so, but our treaty with Panama obligates us to guarantee the safety and protection of the canal, of the ships that make use of the same, and of the railways and auxiliary works connected therewith, for we find Article XXIII of the treaty reads:

If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces, or to establish fortifications for these purposes.

I have no doubt we would have had that right without any stipulation on the subject, but the insertion of said article makes it certain that at the time the treaty was entered into both Panama and the United States contemplated that for the protection of both, as well as of the canal itself and of the shipping of the world, it might and undoubtedly would be necessary to so protect the completed canal as to make attack upon it impossible or of a character not to endanger its maintenance.

Any thoughtful man must see that under any circumstances our Government must protect this canal. It must protect it from any convulsions of nature. It must protect it from any troublesome conditions that may exist in adjacent territory. It must protect it from the assault of the seas, of the storms and the floods, and it must protect it from any possible interference by the armed forces of any other nation. How and to what extent this protection is necessary is a question to be decided by the United States. Whether it requires military stations, considerable numbers of troops, the stationing of warships in its immediate vicinity, or the construction of works of fortification, defensive or offensive, we must determine. In determining this we must consider our duty toward the Republic of Panama. That Republic was evidently induced to enter into convention because of the expected and extraordinary value to it of a canal such as we are constructing and located where it is. We are in duty bound to meet the expectation of the people of Panama to give them this canal and to maintain it in perpetuity. I think I would be justified in asserting that if we should permit this canal to be destroyed at any future time, where extreme prudence and foresight on our part could have prevented, we would forfeit all our rights under the treaty, we would forfeit our right to occupy the territory or to exercise sovereignty over it, and the zone would revert to and become again a part of the domain of the Republic of Panama.

Our obligation to the world to maintain the canal is of the gravest possible character. We are taking the responsibility of changing the great ocean route between the Atlantic and the Pacific. We are bringing the navies of Europe within striking distance of the Asiatic coast and we are bringing the navies of the Orient within striking distance of the eastern shore of the Western Continent. We are, in a way, minimizing the safety of isolation and distance, which up to the present time have formed a substantial part of the protective power of all the nations bordering either upon the Atlantic or upon the Pacific. These nations must adjust themselves to the changed conditions. It may be necessary for them to increase their navies, to add to their coast fortifications and defenses, and when they do adjust themselves to the new relations and conditions established by the Panama Canal they have a right to look to us for the perpetual maintenance of the canal and to hold us responsible if that great waterway should suffer destruction when it might have been within our power to prevent it. We must decide upon the question of fortification from the standpoint of to-day and the horoscope of the future. Whatever public opinion in this country, in Great Britain, or elsewhere may have been 60 years ago, we must not overlook the fact that conditions have materially and wonderfully changed since then. At that time but few, if any, contemplated the speedy development of a great, powerful, warlike nation in the Orient, but to-day the naval experts of the world are seriously discussing as to whether our Pacific is not open to the successful attack of the present Japan or the future great oriental nation that is rapidly being developed on the far side of the Pacific. Mr. Chairman, we are not contemplating war. We are at peace and hope and expect to remain at peace indefinitely with all other nations, but war may come and no human foresight can tell or predict its coming. To insure our own peace and safety, to assist in conserving the peace of all other nations, it is our duty to leave nothing undone which we can do to so protect ourselves by land and by sea that no one nation or number of nations combined will dare to declare war upon the United States. To do this, we must fortify our great seaport towns, and if we are to fortify them, why are we not also bound to fortify the Isthmian Canal, which, in the opinion of the highest naval and military authorities, is essential to the protection of our entire seacoast? Much is being said about the safety of the United States by reason of the extraordinary and advantageous position it occupies, extending entirely across the continent, gridironed by great railway lines, filled with manufacturing establishments of every kind and character, and having within its borders millions of men ready at a moment's notice to rally around the flag, but our experience in the late war with Spain teaches us that our unparalleled resources can not be made use of at a moment's notice. Our navies are scattered in both oceans. They can not concentrate in a day or a month at any particular point, nor would it be safe in time of danger upon either coast to withdraw our Navy from the other coast, leaving that open and unprotected from any enemy that might see fit to take advantage of our situation.

I am saying nothing here as to our responsibility and future danger in the Philippines, but they are grave enough to cause us great anxiety. I am of those who hope for universal peace, for the time coming when the tramp of armies shall no longer shake the earth or the iron monsters of the deep meet in naval battle. We do not maintain our Army, we do not build our battleships, we do not forge our guns, we do not fortify our coasts with warlike intent. We do all these things to guarantee our peace, to protect our people and our interests from any probability of danger or destruction. We are not constructing the Panama Canal with any thought of using it as a menace to any other country. We are a great commercial, Christian, busy, peace-loving people. In the century and a third of our independence we have only waged war five times, and never in an unworthy cause, never for conquest or dominion, never for the increase of power and prestige. I say we have only waged war five times—first, in 1776, that the pioneers and patriots of the New World might have the right to institute government for themselves, government of the people, by the people, and for the people; second, in 1812, that an American seaman might be as safe upon the sea as upon the land, and that the deck of every American ship might become American soil; third, in 1847, that the infant Republic of Texas might have the right of her own free will to set her star of statehood shining in the azure of our flag; fourth, in 1861, that the inherited curse of human slavery might vanish from our civilization, and that this Union of States, this great mother Republic, should not perish from the earth; and fifth, in 1898, that the downtrodden, oppressed, and suffering people of the island of Cuba might, as did our forefathers, throw off the yoke of foreign tyranny and take their own destiny into their own hands. The world does not fear us as an aggressive power. It knows that nothing but the direst necessity would cause us to engage in warfare. The world knows that we cast no longing eyes upon any other possessions than our own. The world knows that as a people we are united in the encouragement of the settlement of all international differences by arbitration and international tribunals.

Sixty years ago other nations may have, and probably did, look upon our proposed construction of an isthmian canal as a possible danger and menace. That time has passed away. The sentiment of civilization has changed. No great nation has so far even suggested a protest against our treaty with Panama, our acquisition of the Canal Zone, or our purpose of fortifying and protecting the canal. In fact, it is fairly certain that all of the great powers are now anxious and glad that the United States has assumed not only the entire expenditure for the canal, but the sole responsibility of maintaining and operating it. Fortified, it guarantees its free and unobstructed use by the commerce of the world. Left unprotected, it endangers the commerce, the peace, and the safety of all the great civilized powers.

Our right and our purpose to construct this canal, to hold it under our own control, to protect it in whatever way we may deem necessary is not of recent assertion. I need go no further back than to cite from the message of President Hayes in his special message to Congress of March 8, 1880, in which he said:

The policy of this country is a canal under American control. The United States can not consent to the surrender of this control to any European power or to any combination of European powers. * * * An interoceanic canal across the American isthmus will essentially change the geographical relations between the Atlantic and Pacific coast of the United States and between the United States and the rest of the world. It will be the great ocean thoroughfare between our Atlantic and Pacific shores, and virtually a part of the coast line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relations to our power and prosperity as a nation, to our means of defense, our unity, peace, and safety, are matters of paramount concern to the people of the United States. No other great power would, under similar circumstances, fail to assert a rightful control over a work so closely and vitally affecting its interests and welfare.

This was not a new declaration, but it summarized the whole proposition. Since that time we have been endeavoring to relieve ourselves from the supposed obligation of the so-called Clayton-Bulwer treaty of April 19, 1850, under which it was contended, but never expressly admitted by us, that we were obligated not to fortify an isthmian canal should one be constructed. Negotiations on this subject finally resulted in the convention known as the Hay-Pauncefote treaty, proclaimed February 22, 1902, after due ratification by both contracting parties, Great Britain and the United States. This instrument is entitled a "Treaty to facilitate the construction of a ship canal," and recites that it was negotiated because of the desire of both parties, among other things—

to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States without impairing the "general principle" of neutralization established in Article VIII of that convention, have for that purpose appointed as their plenipotentiaries, etc.

Article I of said treaty is as follows:

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

There can be no doubt that this last treaty is the only treaty which in any way limits, confines, or controls the United States in the matter of the fortification of the canal. The differences of opinion between Great Britain and the United States as to the true meaning and construction of the Clayton-Bulwer treaty were the subject of long, earnest, diplomatic discussion between the representatives of the two countries, and at times this discussion and these differences excited considerable feeling and caused more or less irritation on both sides of the Atlantic, but, as I have already said, our last convention supersedes the old one, and to it, and to it alone, we must look for any possible limitation upon our right to fortify the canal.

I do not think it is necessary to consider but a small part of this treaty on this particular question. Article III, sections 1 and 2, read as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

Article III of this treaty sets forth certain rules as to the "neutralization" of the canal. These are substantially similar to those of the convention of Constantinople, signed October 28, 1888. There are, however, significant differences; for instance, in Article I of the convention of Constantinople it is declared:

The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag. Consequently the high contracting parties agree not in any way to interfere with the free use of the canal, in time of war as in time of peace.

Article IV has the following provision:

The maritime canal remaining open in time of war as a free passage, even to the ships of war of belligerents * * * even though the Ottoman Empire should be one of the belligerent powers.

The underlying words of the two provisions just quoted do not appear in the Hay-Pauncefote treaty, and must necessarily have been omitted by design and because the parties, or at least one of the parties, would not consent to the same.

In considering the construction to be placed upon the Hay-Pauncefote treaty we must not overlook the fact of the radical difference in the situation of these two canals. Great Britain, in taking over a majority control of the Suez Canal and undertaking the responsibility of its operation, was entirely safe in guaranteeing its neutralization and in consenting to an open, unfortified highway from the Mediterranean to the Red Sea. She understood perfectly that this canal was located upon the waters of the Mediterranean, open to the fleets of France, Italy, Austria, Germany, Russia, and Turkey. England also knew that she held the outlet of the Red Sea, or could hold it by proper fortifications, against all the world, and while she did agree to refrain from the erection of fortifications on the line of the canal itself, she did not bind herself not to fortify the outlet to and beyond it at her pleasure, and this she has fortified, is fortifying, and those fortifications constitute a practical blockade, that can be enforced against the ships of the world whenever Great Britain desires. Again, the frowning guns of the impregnable Gibraltar hold the entrance of the Mediterranean at the will of Great Britain as against the combined fleets of all the great powers, so that Great Britain has a virtual blockade by fortifications at both real termini of the waterway perfected by the construction of the Suez Canal.

The situation at the Isthmus is entirely and radically different. Both ends of the canal face the open ocean. No fortification, no protection could be established unless such fortification and such protection is maintained upon the line of the canal itself or at the entrances on either side of the Isthmus.

I would be the last man to advocate the breaking or avoidance of any of our international treaty stipulations. What I am arguing here is that for many years before the negotiations of the Hay-Pauncefote treaty this Government had had in contemplation the construction of the canal. It gradually formed the resolution to construct it as a Government enterprise, to eliminate the participation not only of all other nations but also of all private interests. In other words, we determined to build the canal as a national enterprise. The United States, while reaching this conclusion and after reaching it, as is shown in all public debates upon the question and in all our diplomatic negotiations with Great Britain, as far as the same are made public, has insisted upon reserving the right and assuming the responsibility of protecting the canal by any means deemed necessary, and our purpose at all times has been freely disclosed and understood by Great Britain to be to safeguard the canal in the only possible adequate way—by fortification. It is, in view of this situation, difficult—yes, impossible—to believe that any possible construction that can be placed upon any or all of the provisions of the Hay-Pauncefote treaty binds this Government to a policy of "nonfortification." Indeed, as I have already suggested, our efforts to abrogate the former treaty were because of our desire to relieve ourselves of its provisions should we deem it necessary to protect the canal by fortifications. Our general purpose to do this, as shown by debates in Congress, by state papers, and as represented by the general wishes of our people, has at all times been known to Great Britain, and up to the present time I do not know that any objection to our so doing has been made upon the part of Great Britain or that any claim is suggested that our present treaty stipulations prohibit us from so doing. This is significant and should relieve us from any fear that our decision of this matter can cause the slightest feeling on the part of Great Britain or subject us to the charge of not living up to the strict letter of an international convention.

Our duty in the premises and our right under the Hay-Pauncefote treaty has been the subject of messages from the President of the United States to Congress, all of which have been known to the world and have been received by the world without protest or serious criticism. I think that no American can read the President's message of December 6, 1910, on this subject without feeling that his recommendation of fortification gives complete and unanswerable reasons for such action on our part. He says:

Among questions arising for present solution is whether the canal shall be fortified. I have already stated to the Congress that I strongly favor fortification, and I now reiterate this opinion and ask your consideration of the subject in the light of the report already before you, made by a competent board.

If, in our discretion, we believe modern fortifications to be necessary to the adequate protection and policing of the canal, then it is our duty to construct them. We have built the canal. It is our property. By convention we have indicated our desire for and, indeed, undertaken its universal and equal use. It is also well known that one of the chief objects in the construction of the canal has been to increase the military effectiveness of our Navy.

Failure to fortify the canal would make the attainment of both these aims depend upon the mere moral obligations of the whole international public, obligations which we would be powerless to enforce and which could never in any other way be absolutely safeguarded against a desperate and irresponsible enemy.

I have for our present Executive the highest admiration and regard. I believe his to be one of the master minds of the age. He is a great, patriotic, honest, conscientious man. His long experience as a jurist, his wide familiarity with public affairs, give a weight to his opinion that should carry conviction to every mind. He finds no reasons in the Hay-Pauncefote treaty that stand in the way of protecting the canal by any means we deem best. He sees in such action no possible violation of an international convention, and I am sure he would be the last man in this country to tolerate the idea of a breach of our diplomatic faith. It must be remembered that the President of the United States is the one man of all others best qualified to advise Congress as to the rights and duties of this country under the Hay-Pauncefote treaty. He is in possession of all the confidential diplomatic correspondence which leads up to its formulation and ratification. He knows all the diplomatic negotiations which antedated and culminated in the treaty. All this knowledge is only possessed in this country by the Executive, certain officials of the State Department, and the United States Senate. It can not be made public without violating the ethics of international diplomacy, but the President of the United States knows it all, and it is his duty to determine and decide and to advise Con-

gress in the light of this knowledge as to what is proper for Congress to do in the matter of providing for protection of the canal. Therefore when the President asks Congress to fortify the canal he gives his official sanction not only to the proposition that fortification is necessary for its protection and to enable this Government to meet its implied obligation to keep the canal open for the world, but he also assures Congress and the country that there will be no infringement of any provision of the Hay-Pauncefote treaty in so doing. As I have already stated, the negotiations leading up to this treaty, covering a period of years, had in view the express desire of the United States:

First. To abrogate the Clayton-Bulwer treaty. This was accomplished by the specific agreement of the new treaty.

Second. At the time of the ratification of the Clayton-Bulwer treaty it was contemplated that an isthmian canal, if constructed, would be constructed as a business venture by private capital, and that the United States, as a Government, would have no part in the matter except authorizing and guaranteeing the enterprise. In that treaty, therefore, it was stipulated that neither Great Britain nor the United States should acquire sovereignty over any of the territory of the Isthmus. When our purpose changed and we decided to build the canal as a Government project, to pay for it from the public funds, to possess and maintain it as a Nation, it was necessary to secure the abrogation of the last-stated provision of the old treaty. This was secured by the new treaty, and the United States, with the consent of Great Britain, was placed in a position where it could acquire territory and exercise sovereignty over the necessary zone within which the canal might be constructed.

Third. Under the Clayton-Bulwer treaty there was a joint obligation of Great Britain and the United States to maintain the neutrality of the canal. It can be fairly asserted, without disclosing the diplomatic negotiations, that Great Britain consented to our acquisition of territory and to our exercise of sovereignty over it, and for the reason that it relieved Great Britain from her obligation to participate in maintaining and guaranteeing to the world the neutrality and freedom of the canal, and it will be noticed that whereas the Clayton-Bulwer treaty pledged the two Governments to enforce the rules of neutrality prescribed for the use of the canal, the new treaty freed Great Britain from all responsibility and obligation originally imposed upon her jointly with ourselves.

Under the new treaty the United States alone, as the sole owner of the canal, as a purely American enterprise, adopts and prescribes the rules by which the use of the canal shall be regulated, and assumes the entire responsibility and burden of enforcing, without the assistance of Great Britain or of any other nation, its absolute neutrality. Therefore, the United States is left by the new treaty free to meet its obligations in this respect in its own way, and by those means which we may decide are necessary for and will best enable us to do so.

Fourth. Under the old treaty other nations were invited to participate in and become parties to the guaranty of the neutrality of the canal. It is a matter of common knowledge that Great Britain insisted that the modifications asked by the United States, if agreed to, would place her at a great disadvantage in case of war between our two nations, as such a war would necessarily abrogate or suspend our treaty contract, and at the same time would lead to any other nation participating in the guaranty of neutrality the free use of the canal for both warlike and commercial purposes. It was therefore of utmost importance to Great Britain that the United States alone should undertake the neutrality of the canal, and that Great Britain should be relieved from her participation in that respect.

For this reason the provision of the Clayton-Bulwer treaty, guaranteeing neutrality and the free passage of ships of war as well as of commerce through the canal at all times, was modified by the elimination from that clause of the treaty of the words "in time of war as in time of peace." It was considered that the omission of these words would mean that war between the contracting parties or between the United States and any other power would have the ordinary effect of war upon treaties when not specifically otherwise provided, and would remit both parties to their original right of self-defense and give to the United States the clear right to close the canal against the other belligerent and to protect it and defend it by whatever means might be necessary. The purpose of the elimination of the former provision that the high contracting parties would immediately upon the exchange of ratifications bring said treaty to the notice of other powers and invite them to adhere to it was not only well understood, but was to the specific advantage of Great Britain. It was further believed that the declaration that the canal should be free and open to all nations on terms of entire equality (now that Great Britain was relieved of all responsibility and obligation to enforce and defend its neutrality) would practically meet the force of the objection made by Great Britain to the exclusion of the former article inviting the other powers to act in, viz, that Great Britain was placed thereby in a worse position than other nations in case of war with the United States.

Fifth. It will be noted that one of the most important changes from the language of the former treaty is the omission of the provision which prohibited the fortification of the canal and the retention of a provision that the United States shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of protecting it is to be borne by the United States alone. When constructed it is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it. Under the circumstances, and considering that now by the new treaty Great Britain is relieved of all of the responsibility and burden of maintaining its neutrality and security, it was entirely fair to omit the prohibition that "no fortification shall be erected commanding the canal or the waters adjacent."

The objection of the United States to invite the agreement of other powers to the contract for the neutralization and free use of the canal was because of our strong national feeling against giving to other powers in the nature of a contract right in an affair so peculiarly American as the canal. We insisted that no other powers had acquired or held any right in the premises, or had anything to give up or part with as consideration for acquiring such a contract right. We insisted that these other powers must rely on the good faith of the United States in its declaration to Great Britain in the Hay-Pauncefote treaty that it would maintain the neutrality of the canal, and that it adopted the rules and principles of neutralization in said treaty set forth. These rules, it is evident, were adopted in the treaty with Great Britain as a consideration for getting out of the Clayton-Bulwer treaty, and the only way in which other nations are bound by them is that they must comply with them if they would use the canal. It was in view of this that the clause of the treaty finally agreed upon is as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation.

Thus the whole idea of contract right in other powers was eliminated, and our guaranty is only to those nations observing our neutrality rules, and the vessels of any nation which refused or failed to observe the rules adopted or prescribed may be deprived of the use of the canal.

Our negotiations for a treaty with the Republic of Panama followed almost immediately the ratification of the Hay-Pauncefote treaty. The latter was proclaimed February 22, 1902, and our treaty with Panama was concluded November 8, 1903. I have already referred to the fact that Article XXIII of the Panama treaty gives the United States, in its discretion, the right—

to use its police and its land and naval forces or to establish fortifications.

The terms of the treaty have been known to the British Government for more than seven years, and up to the present time no intimation has come from the Government that this stipulation of the Panama treaty is in any way in contravention of the Hay-Pauncefote treaty. It is impossible to believe that Great Britain, always alive to her international interests, would have remained silent and made no objection if it intended to hold or insist that we were prohibited by the Hay-Pauncefote treaty from protecting the canal by fortifications. Is it not clear then that our Government in 1903, in securing such a stipulation from the Republic of Panama and the British Government in interposing no objection thereto, have both construed the Hay-Pauncefote treaty as containing nothing which would stand in our way of taking such steps as we might decide best to protect the canal?

The President of the United States in his special message of January 12, 1911, again presents this matter to Congress in the following statement:

The canal when completed will afford the only convenient route for water communication between our Atlantic and Pacific coasts and virtually will be a part of the coast line of the United States. Its assured possession and control will contribute to our peace, safety, and prosperity as a Nation.

In my judgment it is the right and the duty of the United States to fortify and make capable of defense the work that will bear so vital a relation to its welfare and that is being created solely by it and at an expenditure of enormous sums.

Mr. Chairman, to summarize the whole proposition, no nation except Great Britain has any agreement with us as to the canal and can not interpose any valid objection to any action deemed necessary by the United States for its protection.

The President of the United States assures us that the fortification of the canal in no way violates our treaty stipulations with Great Britain. Great Britain does not suggest that there is any limitation in the Hay-Pauncefote treaty to the exercise of our own discretion in this matter.

Our action, therefore, must be governed by our own decision as to the best interests of our own country.

We are investing at least $400,000,000 in this great undertaking. It is improbable that the tolls upon commerce passing through the canal will give us—at least in the near future—any adequate annual return upon our investment. Is it a part of wisdom to neglect the doing of anything that can be done to guarantee the continued protection of the canal and of our great investment in it?

I insist that as a mere matter of insurance we should fortify the canal. The President advises us that the cost of fortification as at present contemplated is $12,475,328. This is certainly a comparatively small sum if it is to be treated as an insurance premium. No patriotic American will quibble over the expenditure of such a sum of money to make certain the safety of the canal.

It is suggested that we can safeguard the canal by stationing our warships at either entrance, but if warships are to be permanently detailed for that purpose the cost to the United States of such ships would greatly exceed the amount for permanent fortifications.

In addition to this, we need and will need our warships for other purposes. To station them at the canal entrances will withdraw them from our fleets, and will to that extent weaken and reduce our naval power upon the high seas, and at the same time the protection afforded by those battleships will be of doubtful value as compared with the certainty of protection afforded by permanent fortifications.

Mr. Chairman, our fortification of the canal is within our national rights. It appeals to our wisdom and common sense. It gives the protection afforded in no other way to our own unobstructed use and control of the canal in time of peace and in time of war. It is the most economical method of safeguarding our rights. It is our best possible guaranty to the commerce of the world of the neutralization and free passage of the canal.

I therefore appeal to the business sense and to the patriotism of the American people for the appropriation of the necessary moneys to carry out the recommendation of the President of the United States.

Mr. Chairman, on January 16, 1911, there appeared in all the leading newspapers a statement issued by certain distinguished, philanthropic, and well-meaning American citizens, setting forth their reasons why the Panama Canal should not be fortified. Their statement is as follows:

1. Because the canal would be safer in war time without fortification. According to the agreement signed by The Hague Conference in 1907 unfortified coast places can not be bombarded.

GOVERNMENT'S ORIGINAL PLAN.

2. Because the original intention of our Government, as distinctly expressed in 1908, and previously, was to prohibit fortifications on the canal.

3. Because, though the Suez Canal was built with English money, England agreed to its neutralization. The Straits of Magellan are also neutralized, and the Interparliamentary Union in 1910 declared in favor of the neutralization of all interoceanic waterways.

4. Because the United States, in all its history, has never been attacked, and began every foreign war it ever had, and is too important a customer for any great nation at this late day to wantonly attack * * *.

5. Because with the experience of nearly a century's peace with England, insured by our undefended Canadian border line, until we have asked for complete arbitration treaties with all possible future enemies and have been refused, we should be insincere in increasing our war measures. This is especially true in view of the facts that, since 1902, the nations have signed 100 arbitration treaties, and President Taft has made the impressive declaration that he sees no reason why any question whatever should not be arbitrated; that the second Hague Conference in various ways diminished the likelihood of war; that not only the prize court, but the court of arbitral justice is practically assured; and that in the summer of 1910 Congress unanimously passed a resolution asking the President to appoint a commission of five to consider the utilization of existing agencies to limit the armaments of the world by mutual agreement of the nations and to constitute the world navies an international force for the preservation of universal peace and to consider other means to diminish expenditures for military purposes.

COST OF PROPOSED FORTIFICATIONS.

6. Because, in the words of Hon. DAVID J. FOSTER, chairman of the Committee on Foreign Affairs in the House of Representatives, "the initial expenses of the necessary fortifications would not be less than $25,000,000; in all probability it would not be less than $50,000,000. The annual expense of maintaining such fortifications, 2,000 miles from home, would probably amount to $5,000,000. With all the fortifications possible, it is still apparent that in order that the canal might be of military advantage to the United States in time of war a guard of battleships at each of its entrances would be an absolute necessity. It is equally apparent that with a guard the fortifications would be unnecessary, if not entirely useless. We are bound by solemn treaty obligations to see to it that the canal shall be and remain forever open to British ships in time of war, as well as in time of peace, and while it is probably true that no other nation could claim any advantage by virtue of this treaty, it is also true that we have thereby placed ourselves under moral obligations to maintain an open canal for the ships of all nations at all times, in war as well as in peace."

I feel that before concluding my remarks on this subject I should, in a brief way, analyze some of the reasons they give in opposition to the President's recommendation of fortification, and I further propose to comment upon and, if possible, show the fallacy of the position they take.

They oppose fortification, first—

Because the canal would be safer in war time without fortification. According to the agreement signed by The Hague Conference in 1907, unfortified coast places can not be bombarded.

It is difficult to understand the statement that an unfortified canal would be safer from attack than a fortified canal. This alleged safety is based entirely upon the agreement formulated by The Hague Conference. That agreement is undoubtedly binding upon the consciences of all the signatory powers so long as peace conditions prevail, but who believes or imagines that an agreement would prevent a nation waging war against another from taking whatever warlike action might be deemed best for its advantage and success? In case of war against the United States would our enemy refrain from bombarding a work like the Isthmian Canal if to do so would close it against the attack of a superior fleet at the other ocean entrance and ready to steam through and overpower its adversary?

Such agreements as that of The Hague are well enough in their way and undoubtedly tend toward the settlement of international differences and thereby make war less probable, but we must deal with the possibility that notwithstanding all peace movements wars may still be waged. If there is to be no more war, what objection can there be to fortifying the canal, for such fortification can in no way be a menace to the world's commerce or to the interests of any other power? Again, The Hague Conference contains no agreement that an unfortified city or other place on the seacoast may not be attacked and taken by an enemy, and without a fortification on the canal what would prevent an enemy, without bombardment, from landing a sufficient force, taking possession of the canal, and holding or wrecking it as the enemy might see fit?

One of the natural results of the completion of the canal will be the construction of a naval base in its immediate vicinity. If our warships are to be stationed at either entrance of the canal it will be absolutely essential that a naval base be maintained where these ships can rendezvous, and from which, upon a moment's notice, they can sally forth on either ocean as occasion may demand. The establishment of such a naval base would be no more an evidence of belligerent intent than is the fact that we build warships and maintain a Navy. A battleship is a formidable floating armament equal to its work while in condition, but once crippled or short of supplies or ammunition it must speedily reach an established base to recruit its strength. It goes without saying that such a base must be fortified so that disabled or temporarily exhausted naval vessels may be protected while refitting.

Second. The gentlemen in formulating their opposition to fortification allege that it was the original intention of our Government, as distinctly expressed in 1908 and previously, to prohibit fortification of the canal.

In this statement they are clearly in error. As I have already shown, we negotiated our treaty with Panama in 1903, under which we asked for and secured the specific right to fortify the canal, and no official action or expression of this Government since that time shows any other or different purpose. As I have already argued at considerable length, one of the principal objects of the negotiations leading up to the Hay-Pauncefote treaty was to rid ourselves of the stipulation against fortification contained in the former Clayton-Bulwer treaty.

Third. These gentlemen insist that we should not fortify our canal because England agreed to the neutralization of the Suez Canal, because the Straits of Magellan are also neutralized, and because the Interparliamentary Union in 1910 declared in favor of the neutralization of all interoceanic waterways.

It seems to me these gentlemen do not have the same understanding that I have of what "neutralization" means, or, at least, of what our promise of free pasage through the canal to the vessels of all nations observing our conditions guarantees. We do agree not to close the canal in time of war or in time of peace. We do agree to give passage through this canal at all times to the vessels of all nations. What better evidence of our good faith can be given than to fortify the canal and thereby place us in a condition where we can, without fear of

interference by the happening of any war, guarantee free and unobstructed passage through the canal? The promise we make of so-called "neutralization" has no other guaranty than our good faith. This good faith is not broken by taking such steps as we deem are necessary to enable us to perform our promises.

No man believes that this country would permit a nation at war with us to use this canal for the purpose of making an effective attack upon our coast or upon our Navy, and no one will contend that we have bartered away or foresworn the right to protect our country in time of war in any way that our national safety may require. Again, as I have already shown, the situation of the Suez Canal, so far as Great Britain's control over it is concerned, is in no wise like unto the Panama Canal and its relation to our governmental necessities.

Fourth. These gentlemen insist that the United States—

is too important a customer for any great nation at this late day to wantonly attack.

Over the future hangs the impenetrable veil, and beyond it we can not see, but we do know this: That the best guaranty of our perpetual peace and freedom from attack lies in the eternal vigilance and adequacy of our preparation to render an attack upon us futile. You might just as well advocate the leveling of our fortificatinos that now protect New York, the great metropolis of this Nation, upon the same reasons these gentlemen advance, that there has been an international agreement to refrain from the bombardment of an unfortified city, and that, in any event, there will never be waged a war against us. Who is unmindful of the apprehension of the people of our great seaport towns at the beginning of the Spanish-American War? Who believes that should a war come our enemy would hesitate to precipitate his forces upon one of our great unprotected cities, to hold it, to levy tribute upon it, to demoralize our internal commerce, to blockade our great transportation lines, and to cripple us in a successful defense against an invader? Who believes that fortification is a menace to any other nation unless that nation wages war upon us? And what American would dare take the responsibility of directing the abolishment of all our coast fortifications there?

Fifth. These gentlemen call attention to the fact that the nations of the world—

have signed 100 arbitration treaties, and President Taft has made the impressive declaration that he sees no reason why any question whatever should not be arbitrated.

They also say that the Second Hague Conference in various ways diminished the likelihood of war, that Congress has passed a resolution asking the President to appoint a commission to consider means for limiting the armaments of the world by mutual agreement. All these things are healthy and hopeful signs of the increasing wish and desire of the Christian civilized world to avoid warfare and to establish universal peace. Up to the present time, however, all these things are no more nor less than the expression of the desire on the part of the people of the nations of the world. No mutual covenant has been entered into by which a combination of nations agrees to interfere in case war should arise, and if war comes either to this country or to any other these paper conventions, these expressions of desire for peace, these promises of mutual effort to secure disarmament will be swept aside by the tempests of war as the sands of the desert are swept away by the mighty whirlwinds that sometimes pass over them. One battleship, one fortified stronghold at the canal will do more to secure the world's peace and the dispersement of her armies than all the "goody-goody" promises made by peace-loving representatives at a dozen international conferences. As against all these well-meaning but nonguaranteed promises of disarmament, of wars no more to be, I submit the following table, published in the American Press on January 17, 1911:

LONDON, *January 17.*

While the press of the world is shouting for peace and Senator ROOT and his colleagues are working out a plan to spend Andrew Carnegie's $10,000,000 peace fund, figures from the British naval authorities today show that 1911 will break all records for battleship launchings and naval activity.

These figures show that every nine days from February 1 to December 31 a new *Dreadnought* will take the water in some part of the globe. In other words, 36 *Dreadnoughts* will be launched this year, or only two less than the total number already afloat, as the result of five years' building.

In addition to this, innumerable small cruisers, torpedo boats, destroyers, and submarines will be launched by all the big powers. Great Britain alone will send 61 of such smaller war craft into the water.

Of the *Dreadnoughts,* Great Britain easily leads the list with 11 to be launched this year. February 1 the 32,500-ton *Thunderer* will leave the slips at Blackwall, just outside London, and from then on there will be a regular succession of big splashes.

Germany comes second in naval activity and will launch 7 *Dreadnoughts* during the year. The United States will launch 3, in addition to the *Arkansas,* which slipped down the ways Saturday; Russia, 4; France, 2; Argentina, 2; Chile, 2; Japan, 2; and Italy, Austria, Brazil, and Spain, 1 each.

Altogether, it is stated, 70 *Dreadnoughts* and cruisers, with a tonnage of more than 1,500,000 and valued at more than $700,000,000, are now under construction throughout the world. Great Britain has 250,000 tons on the builder's stocks and a tonnage of 128,000 launched and nearing completion. Germany has 150,000 tonnage building and 125,000 fitting out. France is building 46,000 tons and fitting out 110,000, and the United States is building 80,000 tons and fitting out 70,000 tons.

Is it not apparent that all the great nations are still increasing their navies, are still strengthening their fortifications, are still preparing for their own safety and tranquillity in the only way in which it can be guaranteed?

I read with approval the strong statement of our position found in the editorial column of the Washington Post on January 16 last, as follows:

The building of the Panama Canal involves immense considerations of commercial enterprise and development, and of all the related factors of peace and prosperity. The perpetuation of these features can be no better assured, nor can the maintenance of neutrality in the use of the canal, should two belligerent nations seek its advantages, be more certainly enforced than by the erection of impregnable fortifications at its approaches.

The canal is built and owned by the United States. It should be so protected that no enemy may destroy it. The United States must keep the canal in its own hands, absolutely safe from foreign interference. The short route between our coasts will be equivalent to doubling the size of the Navy. No possible enemy should have it in its power to reduce our Navy to half by destroying the canal.

No better, stronger statement of the true American position can be made.

Mr. Chairman, the only other reason urged in the nonfortification propaganda I have already read is a matter of cost. I have already discussed that question, but I wish to reiterate that the cost is a mere bagatelle compared with the tremendous importance of the enterprise and the danger of irreparable injury to us if we leave it open to attack. Not only is this true, but it does not require figures to demonstrate that we can with safety maintain a much smaller navy, of greater efficiency, if we can rely upon a protected canal than we would dare to depend upon if no canal is constructed, or if we must have fleets on both oceans adequate to cope with those of any enemy, or if after the construction of the canal we are to remain in danger of its obstruction by seizure or injury at the very time when its free passage might mean our national life or death.

Let me in closing again urge that this is our canal, constructed at our expense, to be maintained by the United States alone; that it is constructed as a great instrumentality of national protection and safety; that its safeguarding is a national duty which we dare not shirk, no matter what the cost; that the best guaranty of its neutrality is its protection from all danger; that the nations of the earth have our promise of its safe passage to the ships of the world upon equal terms; that its guns, mounted to command either entrance, will not frown upon the peace of the world, will not be a menace to any other power, but will welcome with thunderous salutation every vessel of every flag which does not come into our waters as an enemy of the United States. [Loud applause.]

Mr. GARDNER of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the District of Columbia appropriation bill (H. R. 31856), and had come to no resolution thereon.

EXHIBITS OF ART, SCIENCES, AND INDUSTRIES.

Mr. DALZELL, from the Committee on Ways and Means, reported the bill (H. R. 30281) to provide for the entry in bond of exhibits of art, sciences, and industries, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 1990), ordered to be printed.

LEAVE TO WITHDRAW PAPERS—ROBERT M. ROSE.

By unanimous consent, Mr. HUGHES of Georgia was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Robert M. Rose, Sixty-first Congress, no adverse report having been made thereon.

EULOGIES ON THE LATE SENATOR HUGHES.

By unanimous consent, at the request of Mr. TAYLOR of Colorado, it was—

Ordered, That on Sunday, February 12, 1911, the delivery of eulogies on the life, character, and public services of the Hon. CHARLES JAMES HUGHES, Jr., late a Senator of the United States from Colorado, shall be in order.

FORTIFICATION OF PANAMA CANAL—SPEECH OF THE PRESIDENT.

Mr. AUSTIN. I ask unanimous consent to print in the RECORD the speech of the President of the United States, delivered in New York last Saturday night, on the question of fortifying the Panama Canal.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent to print in the RECORD a speech made by the President of the United States last Saturday night in the city of New York on the subject of the fortification of the Panama Canal. Is there objection?

There was no objection.

The speech referred to is as follows:

ADDRESS OF PRESIDENT WILLIAM H. TAFT AT THE DINNER OF THE PENNSYLVANIA SOCIETY, HOTEL ASTOR, NEW YORK CITY, JANUARY 21, 1911.

Gentlemen of the Pennsylvania Society:

I am glad to be here and am glad to know that so much of the energy, the enterprise, and the intelligence of New York has been contributed by the sons of William Penn. William Penn was in favor of peace. So, too, are the men of Pennsylvania. But I assume that they are practical men who do not lose sight of facts and existing conditions in an ecstasy of hope and Utopian enthusiasm.

I am going to invite your attention to the question now pending in Congress as to whether the Panama Canal ought to be fortified. I can not think that any careful person will read the record of historical facts, treaties, and acts of Congress, and diplomatic negotiations without conceding the full right of the United States to fortify the canal. But memories are short, records are not always at hand, and without in the slightest degree conceding that the existence of the full right of the United States to fortify her own property on the Isthmus is in the slightest doubt, I venture, before considering the question of the policy of fortifying the canal, to refer to the history which makes the right incontestable.

In 1850 we made the Clayton-Bulwer treaty with England, which contemplated a canal built by somebody other than the contracting parties, and probably by private enterprise, across Central America or the Isthmus of Panama. By that treaty we agreed with England that we would neither of us own any part of the land in which the canal was to be built, and we would neither of us fortify it, and we would unite together in guaranteeing its neutrality and would invite the rest of the nations to become parties to the agreement. The canal was not built under that treaty. The French attempted it and failed. We had a Spanish war. The cruise of the *Oregon* of 12,000 miles along the seacoast of two continents, from San Francisco to Cuba, at a time when the seat of war was in the West Indies, fastened the attention of the American people upon the absolute necessity for a canal as a military instrument for doubling the efficiency of our Navy and for preventing a division of our forces of defense which might in the future subject us to humiliating defeat. This lesson brought about the effort to modify the Clayton-Bulwer treaty for the very purpose of securing the right on the part of the United States to own the land through which the canal was to be built, to construct the canal itself, and to regain the power to fortify the canal which it had parted with in the treaty of 1850 under other conditions. The correspondence between Lord Lansdowne and Mr. Hay, as well as Mr. Hay's statement to the Senate in transmitting the treaty which was finally ratified, showed beyond peradventure that it was recognized by both parties to that treaty, first, that the canal to be built should be one to be built by the United States, to be owned by the United States, to be managed by the United States, and that the neutrality of the canal which was to be maintained was to be maintained by the United States; second, that nothing in the treaty would prevent the United States from fortifying the canal, and that in case of war between the United States and England or any other country nothing in the treaty would prevent the United States from closing the canal to the shipping of an enemy. In the absence of treaty restriction, of course, these rights inhere in the sovereignty of the United States and the control of its own. It is perfectly palpable that this was insisted upon by the Senate, for the reason that one of the main motives in the construction of the canal was the extension of the coast line of the United States through the canal and the use of the canal in time of war as an instrument of defense. The guaranty of neutrality in the treaty is subject, and necessarily subject, to this construction.

The purpose and assertion of the right of the people of the United States to fortify the canal are shown again in the passage of the Spooner Act in 1902, directing the President to build the canal and to make proper defenses. The treaty with Panama reaffirms the treaty with England, made in 1900, and expressly gives to the United States the power of fortification. How, then, can anyone dispute the right of the United States to fortify the canal when the English treaty was amended for the very purpose of regaining it, when it is expressly given in the treaty made with Panama that granted us the land on which to build the canal, and when not a single foreign nation—including in this England, who has made a treaty with us on the subject—has ever seen fit to suggest a lack of power to do that which an act of Congress nine years old directed the President to do, and on the faith of which $500,000,000 are being expended?

The right of the United States to fortify the canal and to close it against the use of an enemy in time of war being established, what should be its policy? We built the canal to help us defend the country; not to help an enemy to attack it. Even if a certain and practical neutralization of the canal by agreement of all nations could be secured to us when engaged in war, an enemy could then use the canal for transit to attack us in both oceans as we propose to use it to defend ourselves. After expending $500,000,000 thus to make our national defense easier, are we to surrender half the military value of the canal by giving the benefit of it to a nation seeking to destroy us? It seems to me that the very statement of the proposition carries its refutation.

But it is said that we ought to defend the canal by our Navy. I am not a strategist; I am not a military or a naval expert; but it seems to me as plain as that one and one are two that a navy is for the purpose of defense through offense, for the purpose of protection by attack, and that if we have to retain a part of our Navy in order to defend the canal on both sides, then the canal becomes a burden and not an instrument of defense at all. The canal ought to defend itself, and we ought to have fortifications there which will be powerful enough to keep off the navies of any nation that might possibly attack us. I am glad to see that Capt. Mahan, one of the greatest naval strategists, in a communication to this morning's Tribune, confirms this view.

Again, under our treaty with England and other countries, it is we who guarantee the neutrality of the canal. It is not the other countries that guarantee it to us, and we are bound, if we conform to the treaty with England, to put ourselves in such a condition that we can perform that guaranty. Suppose England is at war with some other country that is not bound to us by treaty rights at all, is not it essential that we should have fortifications there to protect the canal, not only for our own use and for the world's commerce, but for the use of England and her warships as a means of passage? In other words, we have to preserve that canal as a means of transit to belligerents in time of war as long as we are ourselves not engaged in the controversy.

But it is said that we could induce all the powers to come in and consent to the neutrality of the canal as a treaty obligation. I should be glad to do this if possible; but even if we do this, can we feel entirely safe by reason of that agreement from a possible injury to the canal by some irresponsible belligerent, at least under conditions as they now are?

Then it is said that the fortifications are going to cost $50,000,000. This is an error. The estimated cost of the fortifications for the canal is $12,000,000. That, I submit, constitutes hardly more than 2 per cent of the cost of the canal—a first premium for insuring its safety that is not excessive.

It is also said that it will cost $5,000,000 a year to maintain them. This is also an error. I have consulted the War Department, and they advise me that the addition to the annual Government cost of maintenance of fortifications and military establishment in time of peace due to the fortifications of the canal would not exceed half a million dollars—an annual insurance rate after first cost of a tenth of 1 per cent.

The case of the Suez Canal furnishes no analogy whatever. In the first place, the Suez Canal is nothing but a ditch in a desert, incapable of destruction, and even when obstructed it can be cleared within a very short time. The Panama Canal, by the destruction of the gate locks, could be put out of commission for two years, and the whole commerce of the world made to suffer therefrom.

Again, the land through which the Suez Canal runs is not in the jurisdiction of England or of any one of the five great powers. Many nations partake in the ownership of the canal, and it is not within the control of any single nation. The circumstances under which the Panama Canal has been building, the ownership of the strip, and one of the main purposes for which it was constructed, are very different and make it exactly as if it were a canal cut through the narrow part of Florida. It is on American soil and under American control, and it needs our fortifications for national defense just as much as the city of New York needs fortifications, and there is the additional reason that we ought to have them in order to perform our international obligations.

I yield to no one in my love of peace, in my hatred of war, and in my earnest desire to avoid war. I believe that we have made great strides toward peace within the last decade. No one that I know of goes further in favor of settling international controversies by arbitration than I do, and if I have my way and am able to secure the assent of other powers, I shall submit to the Senate arbitration treaties broader in their terms than any that body has heretofore ratified, and broader than any that now exist between the nations. In laying down my office, I could leave no greater claim to the gratitude of my countrymen than to have secured such treaties. But I can not permit myself in the enthusiastic desire to secure universal peace to blind myself to the possibilities of war. We have not reached the time when we can count on the settlement of all international controversies by the arbitrament of a tribunal.

I welcome most highly the rapidly increasing ranks of the advocates of peace. They help to form a public opinion of the world that is, with appreciable progress, forcing nations to a settlement of quarrels by negotiation or peace tribunal. When adjudication by arbitral court shall be accepted, the motive for armament will disappear. But we can not hope to bring about such a condition for decades. Meantime, we must face the facts and see conditions as they are. Some earnest advocates of peace weaken their advocacy by failing to do this. War is still a possibility; and a President, a Senator, a Congressman who ignores it as something against which proper precautions should be taken subjects himself in time of peace to the just criticism of all reasonable men, and when war comes and finds the Nation unprepared to the unanimous condemnation of his indignant fellow countrymen.

CONTESTED-ELECTION CASE—PARSONS V. SAUNDERS.

Mr. MILLER of Kansas. Mr. Speaker, I ask unanimous consent to have the contested-election case of Parsons *v.* Saunders recommitted to Committee on Elections No. 2.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the contested-election case of Parsons *v.* Saunders be recommitted to Committee on Elections No. 2. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 25, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for a memorial arch at Valley Forge, Pa. (H. Doc. No. 1312); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for Freedmen's Hospital and Howard University (H. Doc. No. 1313); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting report of Commercial Agent James D. Whelpley on

trade development in Argentina (S. Doc. No. 781); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

4. A letter from the Secretary of Commerce and Labor, transmitting a statement of expenditures in the Coast and Geodetic Survey for the fiscal year ended June 30, 1910 (H. Doc. No. 1314); to the Committee on Expenditures in the Department of Commerce and Labor and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named as follows:

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 29164) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, reported the same without amendment, accompanied by a report (No. 1978), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred House bills 26232, 28433, 30288, and 31162, reported in lieu thereof a bill (H. R. 32010) to create a tariff board, accompanied by a report (No. 1979), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RODENBERG, from the Committee on Industrial Arts and Expositions, to which was referred the bill of the House (H. R. 29362) to provide for celebrating the completion and opening of the Panama Canal by the United States by holding an international exposition of arts, industries, manufactures, and the products of the soil, mines, forest, and sea, in the city of New Orleans, State of Louisiana, reported the same with amendment, accompanied by a report (No. 1989), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 29714) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904, reported the same without amendment, accompanied by a report (No. 1980), which said bill and report were referred to the House Calendar.

Mr. HUBBARD of West Virginia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 31922) to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River near Foster Falls, Wythe County, Va., reported the same without amendment, accompanied by a report (No. 1981), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 31925) authorizing the building of a dam across the Savannah River at Cherokee Shoals, reported the same without amendment, accompanied by a report (No. 1982), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 31926) permitting the building of a dam across Rock River near Byron, Ill., reported the same without amendment, accompanied by a report (No. 1983), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 31927) authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasca County, Minn., reported the same without amendment, accompanied by a report (No. 1984), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 31928) to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Iron Wood Bluff, in Itawamba County, Miss., reported the same without amendment, accompanied by a report (No. 1985), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 31929) to extend the time for the completion of the dam across the Choctawhatchee River in Dale County, Ala., by A. J. Smith and his associates, reported the same without amendment, accompanied by a report (No. 1986), which said bill and report were referred to the House Calendar.

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 31930) granting to Herman L. Hartenstein the right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich., reported the same without amendment, accompanied by a report (No. 1987), which said bill and report were referred to the House Calendar.

Mr. HUBBARD of West Virginia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 31931) authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River, reported the same without amendment, accompanied by a report (No. 1988), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 18941) granting an increase of pension to Willard D. Cook; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 31988) granting an increase of pension to Malinda Peak; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21977) granting a pension to Austin L. Straub; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 28775) granting a pension to Chas. J. Pfahl; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 31789) granting a pension to George Linehos; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. OLMSTED: A bill (H. R. 32004) providing for the quadrennial election of members of the Philippine Assembly and Resident Commissioners to the United States, and for other purposes; to the Committee on Insular Affairs.

By Mr. GOULDEN: A bill (H. R. 32005) to incorporate the Grand Army of the Republic; to the Committee on Military Affairs.

By Mr. CLINE: A bill (H. R. 32006) for reduction of customs duties on pharmaceutical and bacteriological products, surgical instruments, and such instruments and apparatus as are used by physicians; to the Committee on Ways and Means.

By Mr. GOULDEN: A bill (H. R. 32007) to amend section 657 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. LANGLEY: A bill (H. R. 32008) to enable the Secretary of the Interior to purchase the fire-alarm system appliances, apparatus, and connections now and heretofore placed in the Government buildings of the Government Hospital for the Insane, and for other purposes; to the Committee on Appropriations.

By Mr. MARTIN of Colorado: A bill (H. R. 32009) to authorize the Department of Agriculture to make a dry-farming exhibit and appropriate money therefor; to the Committee on Agriculture.

By Mr. ESTOPINAL: Resolution (H. Res. 929) setting a time to consider H. R. 29362; to the Committee on Rules.

By Mr. STEVENS of Minnesota: Joint resolution (H. J. Res. 276) modifying certain laws relating to the military records of certain soldiers and sailors; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 32011) granting an increase of pension to Kirk F. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32012) granting an increase of pension to Lucy W. Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32013) granting an increase of pension to Frank E. Moore; to the Committee on Pensions.

By Mr. ANDERSON: A bill (H. R. 32014) granting an increase of pension to William Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32015) granting an increase of pension to Fred Groch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32016) granting a pension to Ann Eliza Dumble; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 32017) granting an increase of pension to William Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32018) granting an increase of pension to Hugh H. Wilson; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 32019) granting a pension to Maidora C. Parker; to the Committee on Pensions.

By Mr. BURLEIGH: A bill (H. R. 32020) granting an increase of pension to Ambrose P. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32021) granting an increase of pension to Edward Hearin; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 32022) granting a pension to Samuel R. McDowell; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 32023) for the relief of Thomas F. Kelley; to the Committee on Naval Affairs.

By Mr. COCKS of New York: A bill (H. R. 32024) granting an increase of pension to Mathew McKnight; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 32025) granting a pension to Catherine Greene; to the Committee on Pensions.

By Mr. DODDS: A bill (H. R. 32026) granting an increase of pension to James O'Conner; to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 32027) granting a pension to Sarah J. Gould; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 32028) to correct the military record of Charles D. Morse; to the Committee on Military Affairs.

By Mr. ESCH: A bill (H. R. 32029) granting a pension to Emma Burrows; to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 32030) to correct the military record of Augustus York; to the Committee on Military Affairs.

By Mr. FLOYD of Arkansas: A bill (H. R. 32031) granting a pension to John A. Smith; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 32032) granting a pension to Allen Byers; to the Committee on Invalid Pensions.

By Mr. GRANT: A bill (H. R. 32033) granting an increase of pension to Edw. P. Burnett; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 32034) granting an increase of pension to John Rooney; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 32035) granting a pension to Elza L. Ross; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 32036) for the relief of the estate of Samuel A. Spencer; to the Committee on War Claims.

Also, a bill (H. R. 32037) granting an increase of pension to John H. Young; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Ohio: A bill (H. R. 32038) granting a pension to Rebecca Cordell; to the Committee on Invalid Pensions.

By Mr. McCREDIE: A bill (H. R. 32039) granting an increase of pension to Otho W. Thompson; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 32040) granting an increase of pension to Wallace R. Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32041) granting an increase of pension to L. B. Nichols; to the Committee on Pensions.

Also, a bill (H. R. 32042) granting an increase of pension to Oliver T. Tripp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32043) for the relief of William Macaw; to the Committee on Military Affairs.

By Mr. McHENRY: A bill (H. R. 32044) granting a pension to William K. Wertman; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 32045) granting a pension to Jennie L. Comstock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32046) granting an increase of pension to Maria A. Van Kleek; to the Committee on Invalid Pensions.

By Mr. MASSEY: A bill (H. R. 32047) for the relief of Eli Helton; to the Committee on Military Affairs.

By Mr. MAYS: A bill (H. R. 32048) for the relief of A. Purdee; to the Committee on Private Land Claims.

By Mr. NORRIS: A bill (H. R. 32049) granting an increase of pension to George Ditzel; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 32050) granting a pension to Charles W. Fowler; to the Committee on Pensions.

Also, a bill (H. R. 32051) granting an increase of pension to William H. Bell; to the Committee on Pensions.

By Mr. PARKER: A bill (H. R. 32052) for the relief of James Devore; to the Committee on Military Affairs.

By Mr. PICKETT: A bill (H. R. 32053) granting an increase of pension to Jesse M. Roberts; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 32054) granting an increase of pension to Robert Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32055) granting an increase of pension to George W. Lyons; to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 32056) granting a pension to William H. Jones; to the Committee on Pensions.

Also, a bill (H. R. 32057) granting an increase of pension to Nard B. R. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32058) granting an increase of pension to R. H. Robertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32059) granting an increase of pension to John W. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32060) granting an increase of pension to Thomas J. Clack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32061) granting an increase of pension to James Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32062) granting an increase of pension to Isaac T. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32063) granting an increase of pension to William Webb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32064) granting an increase of pension to John T. Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32065) granting an increase of pension to William H. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32066) granting an increase of pension to Thomas Travis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32067) granting an increase of pension to Joseph H. Phifer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32068) granting an increase of pension to John A. Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32069) granting an increase of pension to Granville Corley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32070) granting an increase of pension to C. M. Hildebrand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32071) granting an increase of pension to John W. Gillum; to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 32072) to reimburse Carl F. Kolbe; to the Committee on Claims.

Also, a bill (H. R. 32073) granting an increase of pension to Henry J. Shook; to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 32074) to correct the military record of John D. Grose; to the Committee on Military Affairs.

Also, a bill (H. R. 32075) for the relief of Andrew H. Russell and William R. Livermore; to the Committee on Claims.

By Mr. WEISSE: A bill (H. R. 32076) granting a pension to Elizabeth Criddle; to the Committee on Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 32077) granting an increase of pension to John R. Fugill; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Legislature of Porto Rico, against legislation increasing limit of agricultural corporations; to the Committee on Insular Affairs.

Also, memorial of Legislature of Nevada, favoring San Francisco as site of Panama Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. ALEXANDER of New York: Petition of National Board of Trade, for House bill 14622 and Senate bill 4982, to establish a court of patent appeals; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of Charles Kuntz & Co., of Continental, Ohio, against rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Glad Hand Class, Seventh Street Christian Church, of Coshocton, Ohio, against proposed increase on second-class mail matter and in favor of the Carter-Weeks bill; to the Committee on the Post Office and Post Roads.

By Mr. BARCHFELD: Papers to accompany bills for relief of Hugh H. Wilson and William Henry; to the Committee on Invalid Pensions.

By Mr. BARNHART: Petition of citizens of North Liberty, Ind., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Goshen (Ind.) Union of Painters and Decorators, for repeal of the oleomargarine tax law; to the Committee on Agriculture.

By Mr. BURLESON: Petition of International Association of Car Workers' Lodge No. 50, of Clearfield, Pa.; Cigar Makers' Union No. 205, of Battle Creek, Mich.; Brotherhood of Painters, Decorators, and Paperhangers of America, Local No. 1006, of New York; Brotherhood of Painters, Decorators, and Paperhangers of Goshen, Ind.; Brotherhood of Railway Carmen of America of Valley Junction, Ohio; Brotherhood of Locomotive Engineers and Firemen of Two Harbors, Minn.; International Brotherhood of Blacksmiths and Helpers' Union of Chicago, Ill.; Painters, Decorators, and Paperhangers of America of Evanston, Ill.; V. B. Smith, United Trades and Labor Assembly, of Louisville, Ky.; and Fort Houston Lodge of International Association of Mechanics, of Palestine, Tex., for repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Leonard Eck, J. W. Combs, S. W. Stewart, and others, against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BYRNS: Memorial of Legislature of Tennessee, for New Orleans as site of Panama Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. COOPER of Wisconsin: Petition of F. Harbridge Co., of Racine; H. A. Hickok, of Belmont; Stiles & Rogers and other residents of Beloit; John Brinkman, of Alton, all in the State of Wisconsin, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DAWSON: Petition of W. D. Harris and 11 other citizens of Wilton Junction, Iowa, against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DIEKEMA: Petition of Alden & Judson and others, against the establishment of a local rural parcels-post service on the rural delivery routes; to the Committee on the Post Office and Post Roads.

By Mr. DODDS: Petition of W. P. Mosher and others, of Bellaire, Mich., for the Miller-Curtis bill, H. R. 23641; to the Committee on the Judiciary.

By Mr. DRAPER: Memorial of the Walla Walla Trades and Labor Council, relating to the disposition of the cavalry post at Fort Walla Walla, in Washington; to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT: Petition of Canners' League of California, for amendment to the pure-food act providing name of maker to be on packages; to the Committee on Agriculture.

Also, petition of J. M. Schuler and others, of Sisson, Cal., against the parcels-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Eureka, Cal., against extension of parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. ELLIS: Memorial of Oretown (Oreg.) Grange, No. 354, for parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Paper to accompany bill for relief of Emma Burrows; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of John A. Smith; to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Southern California Homeopathic Medical Society, against the Owen health-department bill; to the Committee on Interstate and Foreign Commerce.

Also, a petition of Stephen Tarrelly, for House bill 30888, for the purchase of embassy buildings abroad; to the Committee on Foreign Affairs.

Also, petition of Frank J. Martin, indorsing New Orleans as site for the Panama Exposition; to the Committee on Industrial Arts and Expositions.

Also, petition of A. Sebring and others, for battleship construction at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. FULLER: Petition of B. C. Stewart and others, of Gardner, Ill., against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of J. F. Reardon, of Manitowoc, Wis., for bill (H. R. 17883) to increase pension of those who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of Barnes Drill Co., Rockford, Ill., for San Francisco as site for Panama Exposition; to the Committee on Industrial Arts and Expositions.

Also, petition of Harry Masean, of Rockford, Ill., for the militia bill (H. R. 28436); to the Committee on the Militia.

By Mr. HAMMOND: Petition of George H. Andrews, of Winnebago, Minn., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of N. Kleinyan and 25 others, of Trosky, Minn., against removal of duty on barley; to the Committee on Ways and Means.

Also, petition of Lorn Gray and 84 others, of Mankato, Minn., for San Francisco as site of Panama Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. HANNA: Petition of Charles L. Rouse & Co. and others, of North Dakota, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Enderlin, N. Dak., for an eight-hour day for post-office clerks as per the Jones-Poindexter bills; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, for the Hanna bill (H. R. 26791) providing additional compensation to rural free deliverers; to the Committee on the Post Office and Post Roads.

Also, petition of Twelfth Legislative Assembly of North Dakota, favoring Senate bill 6842; to the Committee on the Public Lands.

By Mr. HAWLEY: Petition of citizens of the first congressional district of Oregon, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Thlinket Packing Co., Portland, Oreg., against Delegate Wickersham's fisheries bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOLLINGSWORTH: Petition of O. O. McWilliams, of Speidel, Ohio, against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. JOYCE: Petition of H. B. Vincent and others, against local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. KINKAID of Nebraska: Petition of citizens of the sixth congressional district and Greeley County, Nebr., against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Petition of surviving members of Company I, Twenty-sixth Pennsylvania Regiment, for the passage of the Rayner pension bill; to the Commitee on Invalid Pensions.

By Mr. LINDBERGH: Petition by citizens of Pillager, Minn., protesting against the enactment into law by Congress of the parcels post recommendation; to the Committee on the Post Office and Post Roads.

By Mr. LOWDEN: Petition of citizens of the thirteenth Illinois congressional district, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of the First Baptist Church of Paw Paw, Ill., for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. McHENRY: Petition of Watsontown Council of the Junior Order United American Mechanics, for more stringent laws relative to immigrants; to the Committee on Immigration and Naturalization.

By Mr. MAGUIRE of Nebraska: Petition of business men of Weeping Water and Pawnee City, Nebr., against a local rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MORGAN of Oklahoma: Petitions of L. Beach, S. W. Strange, C. W. Myers, A. E. Girdner, C. C. Share, A. M. De Bolt, F. C. Staley & Co., B. Z. Hutchinson, A. D. Dailey, Ed. Hockaday & Co., J. H. Sneed, A. Sneed, and others, of the second congressional district of Oklahoma, protesting against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. PLUMLEY: Paper to accompany bill for relief of Carl H. Ellis (previously referred to the Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. POINDEXTER: Petition of A. B. Reading, of Auburn, Cal., to abolish certain corporations by amendment of the Constitution; to the Committee on the Judiciary.

By Mr. PRAY: Petition of 70 merchants and others of Harlem, Lewistown, Belfray, Gildford, and Big Fork, in the State of Montana, against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Memorial of City Council of Pawtucket, R. I., for increasing efficiency of the Life-Saving Service by retirement of members; to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: Petition of citizens of San Antonio, Tex., against rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. STERLING: Petition of J. W. Perryman and others, of Clinton, and M. Heard and others and members of the Baptist Church of Thompsonville, in the State of Illinois, for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of H. C. Hawes and others, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. THISTLEWOOD: Petition of citizens of the twenty-fifth congressional district of Illinois, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. THOMAS of Ohio: Petition of citizens of the nineteenth congressional district of Ohio, against a rural parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. WALLACE: Petition of citizens of the seventh congressional district of Arkansas, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. WEISSE: Petition of many citizens of the sixth congressional district of Wisconsin, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of many citizens of sixth congressional district of Wisconsin, asking for a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Paper to accompany bill for relief of John R. Fugill; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *January 25, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM UTAH.

Mr. SMOOT presented the credentials of GEORGE SUTHERLAND, chosen by the Legislature of Utah a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Idaho, which was read and ordered to lie on the table, as follows:

Senate joint memorial 1.

To the honorable Senators and Representatives of the United States in Congress assembled:

Your memorialist, the Legislature of the State of Idaho, respectfully represents that—

Whereas a resolution is now pending in the Senate of the United States proposing to submit to the several States of the Union an amendment to the Constitution of the United States providing that Members of the United States Senate shall be elected by the direct vote of the people of their respective States instead of the legislatures, as is now provided: Therefore

Your said memorialist earnestly recommends the passage of said resolution, and represents that the State of Idaho desires the submission of such amendment to the various States for ratification at an early date.

The secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States, and copies of the same to our Senators and Representative in Congress.

—

The above senate joint memorial No. 1 passed the senate on the 16th day of January, 1911.

L. H. SWEETSER,
President of the Senate.

The above senate joint memorial No. 1 passed the house of representatives on the 17th day of January, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

I hereby certify that the above senate joint memorial No. 1 originated in the senate during the eleventh session of the Legislature of the State of Idaho.

CHAS. W. DEMPSTER,
Secretary of the Senate.

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STATE OF IDAHO,
DEPARTMENT OF STATE.

I, W. L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 1, by Freehafer, relating to the election of United States Senators by the direct vote of the people.

Passed the senate January 16, 1911.

Passed the house January 17, 1911.

Which was filed in this office the 19th day of January, A. D. 1911, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 20th day of January, A. D. 1911.

[SEAL.] W. L. GIFFORD, *Secretary of State.*

The VICE PRESIDENT presented a petition of the congregation of the Second Congregational Church of Oak Park, Ill., praying for the enactment of legislation to prohibit the traffic in opium and cocaine, which was referred to the Committee on Foreign Relations.

He also presented the petition of A. L. Griffith, of Pell City, Ala., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. JONES. I present a telegram from a committee of the house of representatives of the Legislature of the State of Washington, which I ask may be read and referred to the Committee on Pensions.

There being no objection, the telegram was read and referred to the Committee on Pensions, as follows:

OLYMPIA, WASH., *January 24, 1911.*

Senator JONES,
United States Senate, Washington, D. C.:

Stand by the Sulloway bill as it passed the House.

OLIVER BYERLY,
F. H. LESOURD,
NELSON RICH,
GEORGE F. WARD,
Committee on Soldiers' Home.

Mr. CRAWFORD. I present a telegram from the senate of the Legislature of the State of South Dakota, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the telegram was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

PIERRE, S. DAK.

Hon. COE I. CRAWFORD, *Washington, D. C.:*

The following resolution has been unanimously adopted by the senate:

"*Be it resolved*, That for the good of the public and the postal service and for the proper adjustment of the present difficulty, we request an investigation be had of the conditions and postal service of railway postal district No. 10, and the secretary of the senate be instructed to wire same to representatives in United States Congress."

And your consideration is respectfully requested.

GEO. O. VAN CAMP,
Secretary of Senate.

Mr. BURNHAM presented sundry telegrams in the nature of petitions of Gilman E. Sleeper Post, of Haverhill; of Almon B. White Post, of White River Junction; of Major Jarvis Post, of Claremont; of Post No. 17, of Dover; of Fred Smyth Post, No. 10, of Newport; and of Post No. 73, of Mountain View, Department of New Hampshire, Grand Army of the Republic; and of sundry veterans of the Civil War, of Portsmouth, all in the State of New Hampshire, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

Mr. FLINT presented a petition of the Reading Club of Pacific Beach, Cal., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. KEAN presented a petition of the Monday Afternoon Club, of Passaic, N. J., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Edward Q. Keasbey, of Newark, N. J., and a petition of the New Jersey State Federation of Women's Clubs, praying for the passage of the so-called children's bureau bill, which were ordered to lie on the table.

He also presented the memorial of H. M. Dutcher, of Camden, N. J., remonstrating against the enactment of legislation proposing to change the name of the Marine-Hospital Service, etc., which was referred to the Committee on Public Health and National Quarantine.

He also presented the petition of E. A. Goodell, of Arlington, N. J., and the petition of M. Williams, of Orange, N. J., praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a memorial of the Christian Science Society of Hoboken, N. J., remonstrating against the establishment of a national department of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the American Federation of Catholic Societies, of St. Louis, Mo., remonstrating against any appropriation being made for the extension of the work of